

REDACTED

BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
)
ALFRED WEITUNG CHAO, M.D.) NO. L-39249
1703 Sierra Vista, Aptl E)
Alhambra, California 91801)
)
Physician and Surgeon)
Certificate No. A 030346,)
)
Respondent.)

DECISION

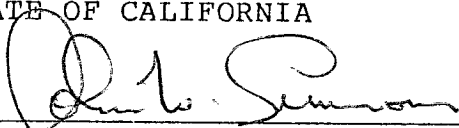
The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Medical Quality Assurance as its decision in the above-entitled matter.

This Decision shall become effective September 16, 1987.

IT IS SO ORDERED August 17, 1987.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

BY



JOHN W. SIMMONS
Secretary-Treasurer

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BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
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ALFRED WEITUNG CHAO, M.D.)	NO. L-39249
1703 Sierra Vista, Apt. E)	
Alhambra, California 91801)	
)	
Physician and Surgeon)	
Certificate No. A 030346,)	
)	
Respondent.)	
)	

PROPOSED DECISION

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings at Santa Ana, and Newport Beach, California on May 20, 21, 26, 27, 28, 29 and June 1, 2, and 3, 1987. Thomas S. Lazar, Deputy Attorney General, represented the complainant. Respondent was present and represented by Evan L Ginsburg, Attorney at Law. Oral and documentary evidence and evidence by stipulation on the record having been received, the matter was submitted and the Administrative Law Judge finds the following facts:

I

Kenneth J. Wagstaff filed the accusation and the Petition to Terminate Probation in his official capacity as the Executive Director of the Board of Medical Quality Assurance (Board).

II

At all times mentioned herein Alfred Weitung Chao, M.D. (hereinafter "respondent") was licensed by the Board under Physician and Surgeon Certificate No. A 030346. Said certificate was issued by the Board on August 30, 1976, and is in current status at the present time.

III

Disciplinary action was taken against Physician and Surgeon Certificate No. A 030346, issued to respondent, in pertinent part is as follows:

(a) On or about January 3, 1978, Accusation No. D-2121 was filed against respondent wherein it was alleged, inter alia, that respondent was guilty of unprofessional conduct in that respondent prescribed dangerous drugs and controlled substances to various patients in violation of provisions contained in both the California Business and Professions code and the California Health and Safety Code.

(b) On or about October 13, 1978, First Supplemental Accusation No. D-2121 was filed against respondent wherein it was alleged that respondent was guilty of unprofessional conduct in that respondent had prescribed dangerous drugs and controlled substances to no less than 26 patients without a medical indication or pathoogical reason therefor.

(c) On or about October 25, 1978, Second Supplemental Accusation No. D-2293 was filed against respondent wherein it was alleged that respondent was guilty of unprofessional conduct in that he had submitted fraudulent Service Reports to the Medi-Cal Program for payment. Specifically, respondent was alleged to have falsely billed the Medi-Cal Program fiscal intermediary for EKG's, blood tests, urinalysis, throat cultures, pap smears, psychotherapy, and office and hospital visits not made or performed.

(d) In Case No. D-2121, effective April 2, 1979, respondent's Certificate No. A 030346 was revoked by the Board, provided, however, that said revocation was stayed and respondent placed on probation for a period of five (5) years from the effective date of the decision on terms and conditions.

(e) In Case No.1 D-2293, effective May 18, 1979, respondent's certificate No. A 030346 was revoked by the Board on the grounds of unprofessional conduct in that respondent was found to have, among other things, repeatedly falsely billed the Medi-Cal Program fiscal intermediary.

(f) Effective July 12, 1984, In the Matter of the Petition for Reinstatement of Revoked Certificate and Modification of Probation of: Alfred W. Chao, Case No. No. L-32011, a decision was rendered by the Board under

which respondent's petition was granted and he was placed on probation for a period of three (3) years on certain terms and conditions which included the following:

". . .

"(c) Respondent is prohibited from engaging in solo practice for a period of three (3) years from the effective date of this Decision. Prior to engaging in any practice of medicine and surgery, respondent shall submit to the Division, and receive its prior approval, a plan of practice limited to supervised, structured environment in which respondent's activities will be overseen and supervised by at least one other physician. It will be respondent's obligation to secure from the supervising physician a biannual report to the Division indicating respondent's quality of performance.

"(d) Respondent shall obey all federal, state and local laws and regulations governing the practice of medicine in California.

"(i) Should respondent violate any of the conditions of probation in any respect, the Division, after providing respondent with notice and an opportunity to be heard, may set aside the stay order and impose the revocation of respondent's certificate or take such other action as it deems appropriate in accordance with the law.

". . ."

IV

Respondent is guilty of sexual abuse, and unprofessional conduct in his examination and treatment of female patient C.L. in that on September 22, 1986, patient C.L., a recruit 29 years of age, in the Orange County Sheriff's Academy, was examined by respondent at the Industrial Medical Clinic in Anaheim for injuries to her left quadriceps and right hip. During the examination, respondent asked patient C.L. to lie back on the examining table. Patient C.L. complied with respondent's request believing that he was going to examine her injured leg. Respondent, however, placed his hand under patient C.L.'s tee-shirt and bra and cupped his hand over the patient's left breast, gave it a small squeeze, and then moved his hand by her right breast, cupped his hand over it and gave it a small squeeze. No time prior to this action did

respondent indicate to patient C.L. that he was intending to conduct a breast exam. At no time during the above-described examination was a nurse in attendance.

Patient C.L. did not, prior to and on the occasion of her visit to respondent, make any complaint to respondent, or anyone else, that she was experiencing:

- (1) Heart trouble;
- (2) Heart palpitations;
- (3) Shortness of breath;
- (4) Shortness of breath while lying down;
- (5) Lightheadedness;
- (6) Not being able to do the same amount of work that she had previously been able to do during the same time period.
- (7) General or overall tiredness; or
- (8) Chest pain, and

Further this patient did not, make any complaint to respondent, or anyone else, that she was experiencing:

- (1) Lumps in either one or both of her breasts;
- (2) Swelling in either one or both of her breasts;
- (3) Discharge from either one or both of her breasts;
- (4) Any breast problems or breast pain whatsoever.

Further respondent did not inform the patient of any diagnosis he had made regarding her breasts or heart. In addition, the patient progress notes for this patient, prepared by respondent for this appointment, did not reflect any of the following:

- (1) That a breast examination had been performed;
- (2) That any diagnosis had been made regarding this patient's breasts;
- (3) That a heart or cardiac examination had been performed;
- (4) That any diagnosis had been made regarding the condition of this patient's heart; or
- (5) That any measurement for the point of maximal impulse had been taken on this patient.

The touching of patient C.L.'s breast was neither medically related to an examination for leg or hip pain nor appropriate for a reading of the patient's pulse.

V

Respondent is guilty of sexual abuse and unprofessional conduct in his examination and treatment of female

patient S.P. in that on or about September 23, 1986, patient S.P., a recruit 25 years of age, in the Orange County Sheriff's Academy, was examined by respondent at the Industrial Medical Clinic in Anaheim for an injury to both her right quadriceps and hip. During the examination, respondent asked patient S.P. to sit up on the examining table. Respondent then proceeded to lift her tee-shirt and bra over patient S.P.'s left breast, placing his hand and a stethoscope on her left breast. At no time did respondent inform patient S.P. that he intended to do a breast examination. After an X-ray of her injured leg and hip, respondent asked patient to lie down on the examining table. Patient S.P. complied with this request at which time respondent held the X-ray in various positions near S.P.'s leg and hip in an apparent attempt to read and/or match the X-ray to patient S.P.'s body. Thereafter respondent put down the X-ray and had patient S.P. while lying on her back raise her right leg. Respondent held patient S.P.'s right leg with his right hand and put his left hand down the top of her shorts, placing his hand over her panties and feeling the crease between her upper right thigh and torso.

Respondent then moved his hand up from the crease between the patient's upper right thigh and torso and slipped his left hand under her panties, placing his hand over the patient's pubic area with his fingers on her vaginal area. Upon conclusion of the examination, respondent placed his arms around patient S.P.'s neck, and hugged her and told her "good luck". Respondent also cupped his hand around her chin and face. At no time during the above-described examination was a nurse present in the room with patient S.P. and respondent.

This patient did not, prior to and on the occasion of her visit to respondent, make any complaint to respondent, or anyone else, that she was experiencing:

- (1) Heart trouble;
- (2) Heart palpitations;
- (3) Shortness of breath;
- (4) Shortness of breath while lying down;
- (5) Lightheadedness;
- (6) Not being able to do the same amount of work that she had previously been able to do during the same time period.
- (7) General or overall tiredness; or
- (8) Chest pain, and

Further this patient did not, make any complaint to respondent, or anyone else, that she was experiencing:

- (1) Lumps in either one or both of her breasts;
- (2) Swelling in either one or both of her breasts
- (3) Discharge from either one or both of her breasts
- (4) Any breast problems or breast pain whatsoever.

Further the patient progress notes for this patient, prepared by respondent for this appointment, did not reflect any of the following:

- (1) That a breast examination had been performed;
- (2) That any diagnosis had been made regarding this patient's breasts;
- (3) That a heart or cardiac examination had been performed;
- (4) That any diagnosis had been made regarding the condition of this patient's heart; or
- (5) That any measurement for the point of maximal impulse had been taken on this patient.
- (6) That a pelvic examination had been performed.

Neither (1) the touching of patient S.P.'s breast; (2) the touching of S.P.'s pubic and vaginal areas; or (3) the embracing, hugging, and cupping of the chin and face of patient S.P. were medically related to an examination for leg or hip pain nor appropriate for a reading of the patient's pulse.

VI

Respondent is guilty of sexual abuse, and unprofessional conduct in his examination and treatment of female patient C.C. in that on or about September 23, 1986, patient C.C., a recruit 29 year of age, in the Orange County Sheriff's Academy, was examined by respondent at the Industrial Medical Clinic in Anaheim for an injury to her thigh. During the examination, respondent requested that patient C.C. lie down on the examining table and examined her inner thighs. After a further examination of the patient's hip and stomach area, respondent began using his stethoscope on patient C.C.'s stomach, and worked his hand up to her chest under both her uniform shirt and tee-shirt. After working his way up to patient C.C.'s bra, respondent placed his hand under patient C.C.'s bra and on her left breast. Respondent then began kneading patient C.C.'s breast with his fingers. The above-described examination took place without a nurse in attendance.

This patient did not, prior to and on the occasion of her visit to the respondent, make any complaint to respondent, or anyone else, that she was experiencing:

- (1) Heart trouble;
- (2) Heart palpitations;

- (3) Shortness of breath;
- (4) Shortness of breath while lying down;
- (5) Lightheadedness;
- (6) Not being able to do the same amount of work that she had previously been able to do during the same time period.
- (7) General or overall tiredness; or
- (8) Chest pain, and

Further this patient did not, make any complaint to respondent, or anyone else, that she was experiencing:

- (1) Lumps in either one or both of her breasts;
- (2) Swellings in either one or both of her breasts;
- (3) Discharge from either one or both of her breasts
- (4) Any breast problems or breast pain whatsoever.

Further respondent did not inform the patient of any diagnosis he had made regarding her breasts or heart. In addition, the patient progress notes for this patient, prepared by respondent for this appointment, did not reflect any of the following:

- (1) That a breast examination had been performed;
- (2) That any diagnosis had been made regarding this patient's breasts;
- (3) That a heard or cardiac examination had been performed;
- (4) That any diagnosis had been made regarding the condition of this patient's heart; or
- (5) That any measurement for the point of maximal impulse had been taken on this patient.

The touching and kneading of patient C.C.'s breast was not medically related to an examination for thigh pain or appropriate for a reading of the patient's pulse.

VII

The terms and condition of respondent's probation in case no. L-32011 (see Finding of Fact III(f) above) included the following:

" . . .

"(c) Respondent is prohibited from engaging in solo practice for a period of (3) years from the effective date of this Decision. Prior to engaging in any practice of medicine and surgery, respondent shall submit to the Division, and receive its prior approval, a plan of practice limited to a supervised, structured environment in which respondent's activities will be

overseen and supervised by at least one other physician. It will be respondent's obligation to secure from the supervising physician a biannual report to the Division indicating respondent's quality of performance.

"(d) Respondent shall obey all federal, state and local laws and regulations governing the practice of medicine in California.

". . .

"(i) Should respondent violate any of the conditions of probation in any respect, the Division, after providing respondent with notice and an opportunity to be heard, may set aside the stay order and impose the revocation of respondent's certificate or take such other action as it deems appropriate in accordance with the law.

". . ."

VIII

During respondent's probation in case no. L-32011, on or about September 17, 1986, respondent entered into a written contract with Industrial Medical Clinics, Inc., in Anaheim, California under which respondent agreed to perform professional services in the capacity of a physician.

It was not established by the evidence that prior to entering into the above-mentioned contract, the respondent was required to obtain prior approval of the Division of Medical Quality to engage in the practice of medicine at Industrial Medical Clinics, Inc., condition (c) of his probation.

Respondent demonstrated that in August 1986 he obtained approval from, a Regional Medical Consultant of the Division of Medical Quality for a plan of practice limited to a supervised structured environment in which respondent's activities would be overseen and supervised by another physician. At the time respondent's medical office was in Alhambra, California and this was known to the Division. However, without further consulting the Regional Medical Consultant, respondent and his supervising physician agreed that such supervision would take place at the Industrial Medical Clinic in Anaheim, California, after the respondent had obtained employment at such clinic pursuant to the respondent's contract of employment with such clinic dated September 17, 1986. Neither the respondent or his supervising physician notified the Division or the Regional Medical Consultant concerning respondent's employment at

said clinic or for permission to proceed with the plan for supervised structural environment at such location.

Respondent and his supervising physician in initial conversations with the Division and the medical consultant in August 1986, had understood that such consultant had approved the fact of such a supervised structured environment, including the approval of the respondent's supervising physician. Respondent contends that no restrictions were placed on him or his supervisor by the Regional Medical Consultant with respect to the geographical location where such supervision was to take place, or that such plan of supervision of the respondent's activities was restricted to his Alhambra office.

The complainant failed to establish that respondent was placed on notice that such approval of the plan for supervised structured environment was limited to respondent's office in Alhambra. However, it should be noted that neither the respondent or the Division in August 1986, at the time the plan of supervision was approved by the medical consultant, had any knowledge that respondent would obtain employment at the Industrial Medical Clinic in Anaheim in September 1986. It is evident that had respondent known of this eventuality prior to seeking approval of a plan of supervised structured environment he would have made this known to the Regional Medical Consultant.

However, it is the ultimate responsibility of the Division to clearly define the parameters of permissible conduct in giving guidance to a probationer of proscribed activities under the terms and conditions of probation. This is especially important where as in the instant case, there is nothing in the language of condition "(c)" above to give respondent clear notice that approval must be obtained for the geographical location of such supervision. The thrust of the language of such condition is directed more at the requirement of a proper plan and proper supervision, rather than a specific location where such supervision is to take place. The condition does not expressly address the requirement of the approval of the location of such a plan of supervised structured environment.

In the matter herein, the evidence presented by the complainant was in totality too vague and indefinite in apprising the respondent of the Division's unexpressed intention to restrict the plan of supervision of medical activities to his Alhambra office.

The alleged violation of this condition of probation and was not shown to be a deliberate attempt on the part of the respondent to violate the terms and conditions of his

probation. If the complainant expects to make actionable as a violation of probation, conduct on the part of a probationer, he has the burden to present evidence that the respondent had clear, fair and detailed notice of the parameters of permissible conduct under the order of probation including the guidance given to the respondent by the Division and its relevant designees in directing the respondent's activities as a probationer. This was not demonstrated in the instant case.

IX

Respondent violated condition "(d)" of the terms and conditions of his probation in case no. L-32011 because of the findings of fact set forth in paragraphs IV, V, and VI above relating to sexual abuse and unprofessional conduct.

X

On this state of the evidence, the record is replete with unanswered questions concerning the existence of the necessary self-controls on the part of the respondent to avoid sexual involvement in the treatment of female patients under his professional care.

There is no evidence in the record of a resolution of the ethical and emotional problems underlying respondent's sexual misconduct as hereinabove set forth in Finding of Facts IV, V, and V above.

Taking all the evidence, into account including respondent's history of disciplinary action as as physician, protection of the consuming public can be achieved only by an order as hereinbelow made.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Cause has been established by clear and convincing evidence to a reasonable certainty for license discipline against respondent as follows:

A. Pursuant to Section 726 of the Business and Professions Code for unprofessional conduct relating to sexual abuse and misconduct with patients because of Findings of Fact IV, V and VI above.

B. Pursuant to Section 2234(e) of the Business and Professions Code for unprofessional conduct for acts involving dishonesty and corruption because of Findings of Fact IV, V and VI above.

The conduct of the respondent as hereinabove enumerated is substantially related to the qualifications, functions and duties of a physician and surgeon.

II

A. Cause exists to revoke the stay previously ordered in case no. L-32011 and reimpose the previous order of revocation for respondent's violation of the terms and conditions of his probation - to wit: condition (d), because of Findings of Fact IV, V and VI above.

B. No violation of probation was established on the part of the respondent of condition (c) in case no. L-32011, and cause does not exist for further discipline thereunder because of Findings of Fact VII and VIII above.

* * * * *

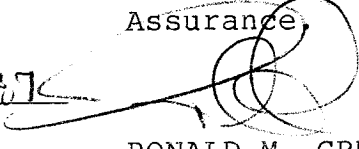
WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Physician and surgeon's certificate no. A 030346, heretofore issued to respondent Alfred Weitung Chao, M.D. is revoked for each and every cause set forth in Determination of Issues no. IA and B above, and for all of them.

2. The stay previously ordered in case no. L-32011, is vacated and the previous order of revocation of respondent's certificate is reimposed for each and every cause set forth in Determination of Issues no. IIA above and for all of them.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on the above dates and places, and recommend its adoption as the decision of the Board of Medical Quality Assurance.

DATED 29 June 87


RONALD M. GRUEN
Administrative Law Judge
Office of Administrative Hearings

RMG:mh

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2 of the State of California
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4 Deputy Attorney General
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6 San Diego, California 92101
7 Telephone: (619) 238-3327

REDACTED

Attorneys for Complainant

BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA

11 In the Matter of the Accusation)	No. D-3578
12 Against:)	
13)	
14 ALFRED WEITUNG CHAO, M.D.)	<u>ACCUSATION AND PETITION</u>
15 1703 Sierra Vista, Apt. E)	<u>TO SET ASIDE STAY ORDER</u>
16 Alhambra, California 91801)	<u>AND IMPOSE REVOCATION</u>
17)	
18 California Physician and)	
19 Surgeon Certificate)	
20 No. A 030346,)	
21)	
22 Respondent.)	
23)	

Complainant Kenneth J. Wagstaff alleges as follows:

1. Complainant is the Executive Director of the Board of Medical Quality Assurance (hereinafter the "Board") and makes this accusation solely in his official capacity as such.

2. At all times mentioned herein Alfred Weitung Chao, M.D. (hereinafter "respondent"), was licensed by the Board under Physician and Surgeon Certificate No. A 030346. Said certificate was issued by the Board on August 30, 1976, and is in CURRENT STATUS at the present time.

1 3. Disciplinary action was taken against Physician and
2 Surgeon Certificate No. A 030346, issued to respondent, as
3 follows:

4 (a) On or about January 3, 1978, Accusation No. D-2121
5 was filed against respondent wherein Complainant Robert
6 Rowland, then Executive Director of the Board of Medical
7 Quality Assurance, alleged, inter alia, that respondent was
8 guilty of unprofessional conduct in that respondent
9 had prescribed dangerous drugs and controlled substances to
10 various patients in violation of provisions contained in
11 both the California Business and Professions Code and the
12 California Health and Safety Code. A copy of Accusation
13 No. D-2121 is attached hereto as Attachment "A" and
14 incorporated by reference herein as if fully set forth
15 hereat.

16 (b) On or about October 13, 1978, First Supplemental
17 Accusation No. D-2121 was filed against respondent wherein
18 Complainant/Executive Director Robert Rowland alleged that
19 respondent was guilty of unprofesssional conduct in that
20 respondent had prescribed dangerous drugs and controlled
21 substances to no less than 26 patients without a medical
22 indication or pathological reason therefor. A copy of First
23 Supplemental Accusation No. D-2121 is attached hereto as
24 Attachment "B" and incorporated by reference herein as if
25 fully set forth hereat.

26 //

27 //

1 (c) On or about October 25, 1978, Second Supplemental
2 Accusation No. D-2293 was filed against respondent wherein
3 Complainant/Executive Director Robert Rowland alleged that
4 respondent was guilty of unprofessional conduct in that he
5 had submitted fraudulent Service Reports to the Medi-Cal
6 Program for payment. Specifically, respondent was alleged
7 to have falsely billed the Medi-Cal Program fiscal
8 intermediary for EKG's, blood tests, urinalysis, throat
9 cultures, pap smears, psychotherapy, and office and hospital
10 visits not made or performed. A copy of Second Supplemental
11 Accusation No. D-2293 is attached hereto as Attachment "C"
12 and incorporated by reference herein as if fully set forth
13 hereat.

14 (d) On or about March 1, 1979, the Board accepted the
15 Proposed Decision of Administrative Law Judge Stewart A.
16 Judson in Case No. D-2121, effective April 2, 1979. Under
17 said decision, respondent's Certificate No. A 030346 was
18 revoked, provided, however, that said revocation was stayed
19 and respondent placed on probation for a period of five (5)
20 years from the effective date of the decision on terms and
21 conditions. A copy of Decision No. D-2121 is attached
22 hereto as Attachment "D" and incorporated by reference
23 herein as if fully set forth hereat.

24 (e) On or about April 18, 1979, the Board accepted the
25 Proposed Decision of Administrative Law Judge Robert S.
26 Kendall in Case No. D-2293, effective May 18, 1979. Under
27 said decision, respondent's Certificate No. A 030346 was

1 revoked on the grounds of unprofessional conduct in that
2 respondent was found to have, among other things, repeatedly
3 falsely billed the Medi-Cal Program fiscal intermediary. A
4 copy of Decision No. D-2293 is attached hereto as Attachment
5 "E" and incorporated by reference herein as if fully set
6 forth hereat.

7 (f) On or about August 14, 1981, a hearing was held In
8 the Matter of the Petition for Reinstatement of Revoked
9 Certificate of: ALFRED WEITUNG CHAO, M.D., Case No. L-24941.
10 Thereafter, on September 15, 1981, a decision was rendered
11 in the above-entitled matter under which respondent's
12 petition was denied. A copy of Decision No. L-24941 is
13 attached hereto as Attachment "F" and incorporated by
14 reference herein as if fully set forth hereat.

15 (g) On or about May 4, 1984, a hearing was held before
16 a quorum of a panel of a Medical Quality Review Committee In
17 the Matter of the Petition for Reinstatement of Revoked
18 Certificate and Modification of Probation of: ALFRED W.
19 CHAO, Case No. L-32011.. Thereafter, on June 4, 1984, a
20 decision was rendered in the above-entitled matter,
21 effective June 12, 1984, under which respondent's petition
22 was granted and he was placed on probation for a period of
23 three (3) years on terms and conditions. A copy of Decision
24 No. L-32011 is attached hereto as Attachment "G" and
25 incorporated by reference herein as if fully set forth
26 hereat.

27 //

1 (h) On or about June 12, 1986, a hearing was held
2 before a quorum of a panel of a Medical Quality Review
3 Committee In the Matter of the Petition for Termination of
4 Probation of: ALFRED WEITUNG CHAO, M.D., Case No. L-37478.
5 Thereafter, on July 2, 1986, a decision was rendered in the
6 above-entitled matter, effective August 1, 1986, under which
7 respondent's petition was denied. However, the panel did
8 allow a modification of respondent's probation, i.e., the
9 deletion of provision (a) of the Division's Order of
10 Reinstatement of June 4, 1984. (See Attachment "G", page 3,
11 for a copy of provision (a); said provision relates
12 to restrictions placed on respondent's right to prescribe
13 Schedule II and III controlled substances and narcotics.)
14 It should be noted that the panel did not modify or delete
15 provision (c) of the Division's June 4, 1984, reinstatement
16 order which continues to require respondent to obtain the
17 prior approval of the Division for any practice of medicine
18 which may only be performed in a supervised structured
19 environment. A copy of Decision No. L-37478 is attached
20 hereto as Attachment "H" and incorporated by reference
21 herein as if fully set forth hereat.

22 (i) On or about July 28, 1986, respondent filed a
23 Petition for Reconsideration in Case No. L-37478 objecting
24 to the panel's decision not to terminate his probation
25 entirely. On or about August 13, 1986, the Office of the
26 Attorney General filed its memorandum of points and
27 authorities in opposition to respondent's petition.

1 Thereafter, on or about September 2, 1986, the Medical
2 Quality Review Committee which had originally heard
3 respondent's petition in Case No. L-37478 voted not to grant
4 respondent's petition for reconsideration. A copy of the
5 September 2, 1986, notification letter sent to respondent is
6 attached hereto as Attachment "I" and incorporated by
7 reference herein as if fully set forth hereat.

8 4. California Business and Professions Code section 726
9 provides that the commission of any act of sexual abuse,
10 misconduct, or relations with a patient, client, or customer
11 which is substantially related to the qualifications, functions,
12 or duties of the occupation for which a license was issued
13 constitutes unprofessional conduct and grounds for disciplinary
14 action for any person licensed under Division 2, under any
15 initiative act referred to in Division 2 and under Chapter 17
16 (commencing with Section 9000) of Division 3.

17 5. California Business and Professions Code section 2220
18 provides, in pertinent part, that the Division of Medical Quality
19 may take action against all persons guilty of violating the
20 provisions of Chapter 5 of Division 2 of that Code.

21 6. California Business and Professions Code section 2227
22 provides that a licensee whose matter has been heard by the
23 Division of Medical Quality, by a medical quality review
24 committee or a panel of such committee, or by an administrative
25 law judge, or whose default has been entered, and who is found
26 guilty may, in accordance with the provisions of this chapter:
27 (a) have his or her certificate revoked upon order of the

1 division; (b) have his or her right to practice suspended for a
2 period not to exceed one year upon order of the division or a
3 committee or panel thereof; (c) be placed on probation upon order
4 of the division or a committee or panel thereof; (d) be publicly
5 reprimanded by the division or a committee or panel thereof; (e)
6 have such other action taken in relation to discipline as the
7 division, a committee or panel thereof, or an administrative law
8 judge may deem proper.

9 7. California Business and Professions Code section 2234
10 provides that:

11 "The Division of Medical Quality shall take action
12 against any licensee who is charged with unprofessional
13 conduct. In addition to provisions of this article,
14 unprofessional conduct includes, but is not limited to, the
15 following:

16 "(a) Violating or attempting to violate, directly or
17 indirectly, or assisting in or abetting the violation of, or
18 conspiring to violate, any provision of this chapter.

19 "(b) Gross negligence.

20 "(c) Repeated negligent acts.

21 "(d) Incompetence.

22 "(e) The commission of any act involving dishonesty or
23 corruption which is substantially related to the
24 qualifications, functions, or duties of a physician or
25 surgeon.

26 "(f) Any action which would have warranted the denial
27 of a certificate."

1 8. Respondent has subjected his license to disciplinary
2 action under California Business and Professions Code section
3 726 on the grounds of unprofessional conduct as defined in
4 section 726 of that Code in that he is guilty of sexual abuse,
5 misconduct or relations with three of his patients as more
6 particularly alleged hereinafter:

7 (a) On or about September 22, 1986, patient C.L., a
8 recruit in the Orange County Sheriff's Academy, was examined
9 by respondent at the Industrial Medical Clinic in Anaheim
10 for injuries to her left quadriceps and right hip. During
11 the examination, respondent asked patient C.L. to lie back
12 on the examining table. Patient C.L. complied with
13 respondent's request assuming that he was going to examine
14 her injured leg. Respondent, however, placed his hand under
15 patient C.L.'s tee-shirt and bra and touched her breast. At
16 no time prior to this action did respondent indicate to
17 patient C.L. that he was intending to conduct a breast exam.
18 The touching of patient C.L.'s breast was neither medically
19 related to an examination for leg or hip pain nor
20 appropriate for a reading of the patient's pulse. In
21 addition, at one point during said examination, respondent
22 knelt down on the floor in front of patient C.L., while the
23 latter was in a standing position, respondent's face level
24 with the top of patient C.L.'s thigh. There was no medical
25 indication for respondent to be kneeling down in front of
26 patient C.L. to examine either her leg or hip. At no time
27 during the above-described examination was a nurse in

1 attendance.

2 The above-described examination of patient C.L.
3 constitutes an act of sexual abuse, misconduct, or relations
4 with patient C.L. and is substantially related to the
5 qualifications, functions, or duties of the practice of
6 medicine for which Certificate No. A 030346 was issued, is
7 unprofessional conduct, and grounds for disciplinary action
8 against respondent.

9 (b) On or about September 23, 1986, patient S.P., a
10 recruit in the Orange County Sheriff's Academy, was examined
11 by respondent at the Industrial Medical Clinic in Anaheim
12 for an injury to both her right quadriceps and hip. During
13 the examination, respondent asked patient S.P. to sit up on
14 the examining table. Respondent then proceeded to lift her
15 tee-shirt and bra over patient S.P.'s left breast, placing
16 his hand on her left breast. At no time did respondent
17 inform patient S.P. that he intended to do a breast
18 examination. After an x-ray of her injured leg and hip,
19 respondent asked patient S.P. to lie down on the examining
20 table. Patient S.P. complied with this request at which
21 time respondent held the x-ray in various positions near
22 patient S.P.'s leg and hip in an apparent attempt to read
23 and/or match the x-ray to patient S.P.'s body. Thereafter,
24 respondent put down the x-ray and had patient S.P. bend her
25 left knee and raise her right leg. Respondent held patient
26 S.P.'s right leg with his right hand and repeatedly put his
27 left hand under her shorts and panties, on one occasion

1 placing his hand on her pubic area with one finger on her
2 vaginal area. Upon conclusion of the examination,
3 respondent placed his arms around patient S.P.'s neck,
4 hugged her and told her "good luck." Respondent also cupped
5 his hand around her chin and face. At no time during the
6 above-described examination was a nurse present in the room
7 with patient S.P. and respondent.

8 Neither (1) the touching of patient S.P.'s breast; (2)
9 the touching of patient S.P.'s pubic and vaginal areas; or
10 (3) the embracing, hugging, and cupping of the chin and face
11 of patient S.P. was medically related to an examination for
12 leg or hip pain nor appropriate for a reading of the
13 patient's pulse.

14 The above-described examination of patient S.P.
15 constitutes an act of sexual abuse, misconduct, or relations
16 with patient S.P. and is substantially related to the
17 qualifications, functions, or duties of the practice of
18 medicine for which Certificate No. A 030346 was issued, is
19 unprofessional conduct, and grounds for disciplinary action
20 against respondent.

21 (c) On or about September 23, 1986, patient C.C., a
22 recruit in the Orange County Sheriff's Academy, was examined
23 by respondent at the Industrial Medical Clinic in Anaheim
24 for an injury to her thigh. During the examination,
25 respondent requested that patient C.C. lie down on the
26 examining table. Respondent repeatedly placed his hands on
27 patient C.C.'s inner thighs commenting that her legs were

1 the "same temperature." Respondent then gave patient C.C.
2 some kind of "pelvic exam," over her panties, poking around
3 her hip, pelvic and stomach area. Thereafter, respondent
4 began using his stethoscope on patient C.C.'s stomach,
5 working his way up to her chest under both her uniform shirt
6 and tee-shirt. After finally working his way up to patient
7 C.C.'s bra, respondent placed his hand under patient C.C.'s
8 bra and on her breast. Respondent then began kneading
9 patient C.C.'s breast with his fingers. The above-described
10 examination took place without a nurse in attendance.

11 Neither (1) the repeated touching of patient C.C.'s
12 inner thighs; or (2) the touching and kneading of patient
13 C.C.'s breast was medically related to an examination for
14 thigh pain or appropriate for a reading of the patient's
15 pulse.

16 The above-described examination of patient C.C.
17 constitutes an act of sexual abuse, misconduct, or relations
18 with patient C.C. and is substantially related to the
19 qualifications, functions, or duties of the practice of
20 medicine for which Certificate No. A 030346 was issued, is
21 unprofessional conduct, and grounds for disciplinary action
22 against respondent.

23 9. Respondent has subjected his license to disciplinary
24 action under California Business and Professions Code section
25 2234 on the grounds of unprofessional conduct in that respondent
26 has engaged in conduct which breaches the rules or ethical code
27 or which is unbecoming of a member in good standing of the

1 medical profession. The allegations contained in paragraph 8,
2 above, are incorporated by reference herein as if fully set forth
3 hereat.

4 10. Respondent has subjected his license to disciplinary
5 action under California Business and Professions Code section
6 2234 on the grounds of unprofessional conduct as defined in
7 section 2234(e) of that Code in that respondent has committed an
8 act involving dishonesty or corruption which is substantially
9 related to the qualifications, functions, or duties of a
10 physician and surgeon as more particularly alleged hereinafter.
11 The allegations contained in paragraph 8, above, are incorporated
12 by reference herein as if fully set forth hereat.

13 11. As stated in paragraph 3(g), above, respondent's
14 Certificate No. A 030346 was reinstated by a June 4th, 1984,
15 order of the Board, subject to various terms and conditions of
16 probation. That June 4th, 1984, order of the Board provides, in
17 pertinent part, that:

18 "The petition for reinstatement of revoked license of
19 Alfred W. Chao, M.D. is hereby granted subject to the
20 following limitations:

21 ". . .

22 "(c) Respondent is prohibited from engaging in solo
23 practice for a period of (3) years from the effective date
24 of this Decision. Prior to engaging in any practice of
25 medicine and surgery, respondent shall submit to the
26 Division, and receive its prior approval, a plan of practice
27 limited to a supervised, structured environment in which

1 respondent's activities will be overseen and supervised by
2 at least one other physician. It will be respondent's
3 obligation to secure from the supervising physician a bi-
4 annual report to the Division indicating respondent's
5 quality of performance.

6 "(d) Respondent shall obey all federal, state and
7 local laws and regulations governing the practice of
8 medicine in California.

9 ". . .

10 "(i) Should respondent violate any of the conditions
11 of probation in any respect, the Division, after providing
12 respondent with notice and an opportunity to be heard, may
13 set aside the stay order and impose the revocation of
14 respondent's certificate or take such other action as it
15 deems appropriate in accordance with the law.

16 ". . ."

17 12. The June 4, 1984, order of the Board in Case No. L-
18 32011 staying revocation of respondent's certificate and placing
19 him on probation for three (3) years is subject to being vacated
20 under the provisions of subsection (i) of said probationary order
21 in that respondent has violated condition (c) of his
22 probationary order as more particularly alleged hereinafter:

23 (a) On or about September 17, 1986, respondent entered
24 into a written contract with Industrial Medical Clinics,
25 Inc., under which respondent agreed to perform professional
26 services in the capacity of a physician. A copy of said
27 written contract is attached hereto as Attachment "J" and

1 incorporated by reference herein as if fully set forth
2 hereat. At no time prior to entering into the above-
3 mentioned contract did respondent obtain the prior approval
4 of the Division of Medical Quality to engage in the practice
5 of medicine at Industrial Medical Clinics, Inc. Said
6 failure is a violation of condition (c) of his probation;
7 such a violation subjects the stay order to being vacated.

8 13. The June 4, 1984, order of the Board in Case No. L-
9 32011 staying revocation of respondent's certificate and placing
10 him on probation for three (3) years is subject to being vacated
11 under the provisions of subsection (i) of said probationary order
12 in that respondent has violated condition (d) of his
13 probationary order as more particularly alleged hereinafter:

14 (a) The allegations contained in paragraphs 8, 9 and
15 10, above, are incorporated by reference herein as if fully
16 set forth hereat. Respondent's actions constitute a
17 violation of California Business and Professions Code
18 sections 726, 2234, and 2234(e), all state statutes. Thus
19 respondent has violated condition (d) of his probationary
20 order in that he has failed to obey all state laws governing
21 the practice of medicine in California. Said failure
22 subjects the aforementioned stay order to being vacated.

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WHEREFORE, Complainant prays that the Division of Medical Quality hold a hearing on the allegations contained in this Accusation and Petition to Set Aside Stay Order and Impose Revocation, and following said hearing make its order:

(a) Setting aside the June 4, 1984, stay order of the Board and imposing the discipline that was stayed, i.e., revocation of Physician and Surgeon Certificate No. A 030346;

(b) Taking such action as provided by sections 2234 and 2227 of the California Business and Professions Code; and

(c) Taking such other and further action as may also be proper.

DATED: November 18, 1986

KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance

Complainant

ATTACHMENT A

1 EVELLE J. YOUNGER, Attorney General
of the State of California
2 JOEL S. PRIMES
Deputy Attorney General
3 555 Capitol Mall, Suite 350
Sacramento, California 95814
4 Telephone: 916/445-5312

5 Attorneys for Complainant

6
7
8 BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)	No. D-2121
12 Against:)	
)	
13 ALFRED WEITUNG CHAO, M.D.)	<u>ACCUSATION</u>
520 W. "I" Street)	
14 Los Banos, California)	
)	
15 License No. A 30346)	
)	
16 Respondent.)	

17 COMES NOW the complainant, Robert Rowland, and as
18 cause for disciplinary action against the above named
19 respondent, alleges as follows:

20 FIRST CAUSE FOR DISCIPLINARY ACTION

21 I

22 Complainant, Robert Rowland, is the Executive Director
23 of the Board of Medical Quality Assurance of the State of
24 California (hereinafter referred to as the "Board") and makes
25 this accusation solely in such official capacity.

26 II

27 Respondent, Alfred W. Chao, M.D., on or about August
28 20, 1976, was issued Physician's and Surgeon's Certificate No. A-
29 30346 by the Board to practice medicine and surgery in the State
30 of California and at all times mentioned herein respondent was
31 and now is licensed by the Board to practice medicine and
32 surgery in this State.

1 III

2 Section 2360 of the Business and Professions Code
3 provides as follows:

4 "Every certificate issued may be suspended or revoked.
5 The board shall refuse a certificate to any applicant
6 guilty of unprofessional conduct. The proceedings under
7 this article shall be conducted in accordance with Chapter
8 5 (commencing with Section 11500) of Part 1 of Division 3
9 of Title 2 of the Government Code, and the board shall have
10 all the powers granted therein."

11 IV

12 Section 2361 subdivision (a) of the Business and
13 Professions Code provides as follows:

14 "The Division of Medical Quality shall take action
15 against any holder of a certificate, who is guilty of
16 unprofessional conduct which has been brought to its
17 attention, or whose certificate has been procured by fraud
18 or misrepresentation or issued by mistake.

19 "Unprofessional conduct includes, but is not limited
20 to, the following:

21 "(a) Violating or attempting to violate, directly or
22 indirectly, or assisting in or abetting the violation of,
23 or conspiring to violate, any provision or term of this
24 chapter.

25 V

26 Section 2391.5 of the Business and Professions Code
27 provides as follows:

28 "A violation of any federal statute, or rule or
29 regulation or any of the statutes or rules or regulations
30 of this state regulating narcotics, dangerous drugs, or
31 controlled substances, constitutes unprofessional conduct
32 within the meaning of this chapter."

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VI.

Section 2399.5 of the Business and Professions Code provides as follows:

"Prescribing, dispensing or furnishing dangerous drugs as defined in Section 4211 of the Business and Professions Code without a good faith prior examination and medical indication therefor, constitutes unprofessional conduct within the meaning of this chapter."

VII

Section 4211 subdivision (k) of the Business and Professions Code provides as follows:

"'Dangerous drug' means any drug unsafe for self-medication, except preparations of drugs defined in subdivisions (e), (f), (h), and (i) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

"(k) Any drug or device which bears the legend: 'Caution: federal law prohibits dispensing without prescription.'"

VIII

Section 11154 of the Health and Safety Code provides as follows:

"Except in the regular practice of his profession, no person shall prescribe, administer, dispense, or furnish, a controlled substance to or for any person who is not under his treatment for a pathology or condition other than addiction to a controlled substance, except as provided in this division."

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IX

Dexedrine (dextroamphetamine sulphate) is a dangerous drug as per section 4211 subdivisions (c) and (k) of the Business and Professions Code. Dexedrine is listed as a controlled substance, Schedule II in section 11055 subdivision (d)(1) of the Health and Safety Code and title II, Code of Federal Regulations section 1308.12 subdivision (d)(1).

Quaalude (methqualone) is a dangerous drug as per section 4211 subdivisions (a) and (k) of the Business and Professions Code and a Schedule III non-prescription drug per Health and Safety Code section 11056 subdivision (b)(6). As of January 1, 1977, Quaalude is a Schedule II controlled substance for prescription violations as set forth in Health and Safety Code section 11150 and title II, Code of Federal Regulations section 1308.12 subdivision (e)(1).

Valium (diazepam) is a dangerous drug as set forth in section 4211 subdivision (k) of the Business and Professions Code. On or about January 1, 1977, Valium was classified as a Schedule IV controlled substance as set forth in Health and Safety Code section 11150 and title IV, Code of Federal Regulations section 1308.14 subdivision (b)(7).

Dalmane (flurazepam hydrochloride) is a dangerous drug as set forth in section 4211 subdivision (a) of the Business and Professions Code. On or about January 1, 1977, Dalmane is a Schedule IV controlled substance as set forth in Health and Safety Code section 11150 and title II, Code of Federal Regulations section 1308.14 subdivision (b)(10).

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X

Respondent is guilty of unprofessional conduct as outlined in sections 2360, 2361 subdivision (a), 2391.5 and 2399.5 and Health and Safety Code section 11154 in that respondent without a medical indication or pathological reason prescribed the following medications to the following patients:

1. Patient Sally Wa [REDACTED]

June 23, 1977 - Dexedrine 5 mgm tabs
Prescription No. 667697

July 14, 1977 - Dexedrine 5 mg tabs
Prescription No. 189637

August 11, 1977 - Dexedrine 5 mg
Prescription No. 190276

August 23, 1977 - Dexedrine 5 mg
Prescription No. 190512

2. Patient James D [REDACTED]

July 21, 1977 - Quaalude 300 mg
Prescription No. 189785

July 27, 1977 - Dalmane 30 mg
Prescription No. 189930

July 27, 1977 - Valium 10 mg
Prescription No. 189931

August 23, 1977 - Quaalude 150 mg
Prescription No.

3. Patient Linda P [REDACTED]

August 16, 1977 - Amphetamine 5 mg
Prescription No. 28576

SECOND CAUSE FOR DISCIPLINARY ACTION

I

That paragraphs I, II, III, IV, V, VI, VII, VIII and IX of the First Cause for Disciplinary Action are incorporated herein as if set forth in full.

II

Section 11190 of the Health and Safety Code provides as follows:

5.

"Every practitioner, other than a pharmacist, who issues a prescription, or dispenses or administers a controlled substance classified in Schedule II shall make a record that, as to the transaction, shows all of the following:

"(a) The name and address of the patient.

"(b) The date.

"(c) The character and quantity of controlled substances involved.

"The prescriber's record shall show the pathology and purpose for which the prescription is issued, or the controlled substance administered, prescribed, or dispensed."

III

Respondent has violated Health and Safety Code section 11190 by failing to make a record of each of the following prescriptions for controlled substances classified in Schedule II which record shows the pathology and purpose for which the prescription was issued:

1. Patient Sally W [REDACTED]

a. Prescription No. 667697
June 23, 1977 - Dexedrine 5 mgm tabs

b. Prescription No. 189637
July 14, 1977 - Dexedrine 5 mg tabs

c. Prescription No. 190276
August 11, 1977 - Dexedrine 5 mg

d. Prescription No. 190512
August 23, 1977 - Dexedrine 5 mg

2. Patient Linda P [REDACTED]

a. Prescription No. 28576
August 16, 1977 - Amphetamines 5 mg (Dexedrine)

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ATTACHMENT B

1 EVELLE J. YOUNGER, Attorney General
of the State of California ..
2 JOEL S. PRIMES
Deputy Attorney General
3 555 Capitol Mall, Suite 350
Sacramento, California 95814
4 Telephone: 916/445-5312

5 Attorneys for Complainant
6
7

8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation)	NO. D-2121
12 Against:)	
13 ALFRED WEITUNG CHAO, M.D.)	FIRST SUPPLEMENTAL
14 520 W. "I" Street)	<u>ACCUSATION</u>
14 Los Banos, California)	
15 License No. A 30346)	
16 Respondent.)	

17 COMES NOW the complainant, Robert Rowland, and as
18 further cause for disciplinary action against the above
19 named respondent alleges as follows:

20 Complainant, Robert Rowland, makes this first
21 supplemental accusation in addition to the matters contained
22 in the previously filed accusation against the same respondent
23 under the same caption and number and incorporates by reference
24 herein and realleges all of the allegations of the previous
25 accusation.

26 ///

27 ///

FOURTH CAUSE FOR DISCIPLINARY ACTION

I

That paragraphs I, II, III, IV, V, VI, VII, VIII and IX of the First Cause for Disciplinary Action are incorporated herein as if set forth in full.

II

Respondent is guilty of unprofessional conduct as outlined in sections 2360, 2361(a), 2391.5 and 2399.5 and Health and Safety Code section 11154 in that respondent without a medical indication or pathological reason prescribed the following medications to the following patients:

<u>DATE</u>	<u>PATIENT</u>	<u>DRUG</u>	<u>QUANTITY</u>	<u>Rx#</u>
1/11/77	Ora S. [REDACTED] S.F.	Ritalin 10 mg.	100	24146
2/18/77	" "	Quaalude 300 mg.	100	661416
2/18/77	" "	Ritalin 20 mg.	100	661415
3/4/77	" "	Ritalin 20 mg.	30	662212
3/9/77	Troy S. [REDACTED] S.F.	Ritalin 20 mg.	50	25336
3/9/77	" "	Quaalude 300 mg.	50	25335
3/9/77	Mae S. [REDACTED] S.F.	Ritalin 20 mg.	50	25334
3/9/77	" "	Quaalude 300 mg.	50	25333
3/9/77	Madison W. [REDACTED] S.F.	Quaalude 300 mg.	50	25337
3/9/77	" "	Ritalin 20 mg.	50	25338
3/11/77	Theresa F. [REDACTED] S.F.	Ritalin 20 mg.	50	320701

1	3/11/77	" "	Quaalude 300 mg.	50	320700
2	3/11/77	Crawford W [REDACTED]	Ritalin 20 mg.	50	186451
3		S.F.			
4	3/11/77	" "	Quaalude 300 mg.	50	186450
5	3/11/77	Herbert H [REDACTED]	Ritalin 20 mg.	50	25398
6		Eagle Hotel, S.F.			
7	3/11/77	" "	Quaalude 300 mg.	50	320703
8	3/11/77	Hal O [REDACTED]	Ritalin 20 mg.	50	25396
9		Eagle Hotel, S.F.			
10	3/11/77	" "	Quaalude 300 mg.	50	662630
11	3/11/77	Preston J [REDACTED]	Quaalude 300 mg.	50	186453
12		Oakland			
13	3/11/77	" "	Ritalin 20 Mg.	50	186452
14	3/11/77	William S [REDACTED]	Ritalin 20 mg.	50	25397
15		S.F.			
16	3/11/77	" "	Quaalude 300 mg.	50	320703
17	3/11/77	James W [REDACTED]	Quaalude 300 mg.	50	186455
18		S.F.			
19	3/11/77	" "	Ritalin 20-mg.	50	186454
20	3/11/77	Cole H [REDACTED]	Ritalin 20 mg.	50	320697
21		S.F.			
22	3/11/77	Clyde M [REDACTED]	Ritalin 20 mg.	50	320699
23		S.F.			
24	3/11/77	" "	Quaalude 300 mg.	50	320698
25	3/11/77	Harry C [REDACTED]	Quaalude 300 mg.	50	186462
26		S.F.			
27	///				

1	3/11/77	" "	Ritalin 20 mg.	50	186461
2	3/11/77	Eliz. W. [REDACTED]	Quaalude 300 mg.	50	662608
3		[REDACTED] Sacramento			
4	3/11/77	Colleen N. [REDACTED]	Quaalude 300 mg.	30	662603
5		[REDACTED] S.F.			
6	3/11/77	" "	Ritalin 20 mg.	50	186460
7	3/11/77	Gloria D. [REDACTED]	Ritalin 20 mg.	50	662606
8		[REDACTED] S.F.			
9	3/11/77	" "	Quaalude 300 mg.	30	662605
10	3/14/77	Lucis W. [REDACTED]	Ritalin 20 mg.	30	25415
11		[REDACTED] S.F.			
12	3/14/77	Arctic B. [REDACTED]	Ritalin 20 mg.	30	25414
13		[REDACTED] S.F.			
14	3/14/77	Edward M. [REDACTED]	Ritalin 20 mg.	30	25413
15		[REDACTED] S.F.			
16	3/14/77	Raymond L. [REDACTED]	Ritalin 20 mg.	30	186500
17		[REDACTED] S.F.			
18	3/15/77	Hester W. [REDACTED]	Dextro-Amphetamine 5 mg.	30	27914
19		[REDACTED]			
20	3/14/77	Sherman D. [REDACTED]	Ritalin 20 mg.	50	186499
21		[REDACTED] S.F.			
22	5/23/77	Alvin M. [REDACTED]	Amphetamine	12	188298
23		[REDACTED]			
24	6/30/77	George B. [REDACTED]	Quaalude 300 mg.	20	27621
25		[REDACTED] Los Banos			
26	7/25/77	Roy J. [REDACTED]	Quaalude 300 mg.	30	669017
27		[REDACTED]			
28	7/29/77	Hester W. [REDACTED]	Dextro-Amphetamine 5 mg.	30	28236
29		[REDACTED]			

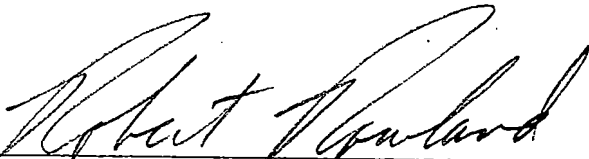
1 8/10/77 " " " " 30 28460
2 8/22/77 " " " " 30 28672
3 3/11/77 Harry C. [REDACTED] Ritalin 20 mg. 50
4 S.F.

5 WHEREFORE, complainant prays that the Division of
6 Medical Quality hold a hearing on the matters alleged herein
7 and following said hearing issue a decision:

8 1. Revoking or suspending the certificate
9 of respondent.

10 2. Taking such other and futher action as it
11 is deemed necessary and proper.
12

13 DATED: October 13, 1978

14 
15 ROBERT ROWLAND
16 Executive Secretary
17 Board of Medical Quality Assurance
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ATTACHMENT C

1 EVELLE J. YOUNGER, Attorney General
of the State of California
2 JOEL S. PRIMES
Deputy Attorney General
3 555 Capitol Mall, Suite 350
Sacramento, California 95814
4 Telephone: 916/445-5312
5 Attorneys for Complainant

6
7
8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
10 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) No. D-2293
12 Against:)
ALFRED WEITUNG CHAO, M.D.)
13 520 W. "I" Street) ACCUSATION
Los Banos, California)
14 License No. A 30346)
15 Respondent.)
16

17 COMES NOW the complainant, Robert Rowland, and as
18 further cause for disciplinary action against the above named
19 respondent alleges as follows:

20 Complainant, Robert Rowland, makes this Second
21 Supplemental Accusation in addition to the matters contained in
22 the previously filed accusations against the same respondent
23 under the same caption and number and incorporates by reference
24 herein and realleges all of the allegations of the previous
25 accusations.

26 //

27 //

1 FIFTH CAUSE FOR DISCIPLINARY ACTION

2 I

3 That paragraphs I, II, III, IV, V, VI, VII, VIII and
4 IX of the First Cause for Disciplinary Action are incorporated
5 herein as if set forth in full.

6 II

7 Section 2361 subdivision (e) of the Code provides,
8 inter alia, that the commission of any act involving dishonesty,
9 whether the act is committed in the course of the individual's
10 activities as a certificate holder, or otherwise, or whether the
11 act is a felony or a misdemeanor constitutes unprofessional
12 conduct.

13 III

14 Section 2411 of the Code provides that the knowingly
15 making or signing any certificate or other document directly or
16 indirectly related to the practice of medicine or podiatry which
17 falsely represents the existence or non-existence of a state of
18 facts, constitutes unprofessional conduct.

19 IV

20 Respondent is guilty of unprofessional conduct as
21 outlined in sections 2360, 2361 subdivision (e) and 2411 of the
22 Code as follows:

23 Respondent submitted fraudulent Service Reports (Mc-
24 163) to the Medi-Cal Program for payment. Respondent falsely
25 billed the Medi-Cal Program for EKG's, blood tests, urinalysis,
26 throat cultures, pap smears, psychotherapy, office and hospital
27 visits not made or performed as is more specifically set forth
28 below:

1 COUNT 1:

2 Respondent falsely billed the Medi-Cal Program for the
3 following medical procedures which were not rendered to Medi-Cal
4 recipient J.C. - I.D. No. [REDACTED]

- 5 1. Three EKG's performed at respondent's office.
6 2. Eight urinalysis performed at respondent's office.
7 3. Five throat cultures performed at respondent's
8 office.
9 4. Three blood withdrawals performed at respondent's
10 office.

11 COUNT 2:

12 Respondent falsely billed the Medi-Cal Program for the
13 following medical procedures which were not rendered to Medi-Cal
14 recipient F.D. - I.D. No. [REDACTED]

- 15 1. EKG's on August 19 and 23, 1977, performed at
16 respondent's office.
17 2. Four urinalysis performed at respondent's office.
18 3. Sixteen blood withdrawals performed at
19 respondent's office.
20 4. Nine throat cultures performed at respondent's
21 office.
22 5. Respondent falsely billed for one hour of
23 psychotherapy allegedly performed at respondent's office on
24 August 26, 1977 and September 20, 1977.
25 6. Two three-hour glucose tolerance tests performed
26 at respondent's office.
27 7. Office visits on August 1, 3, 8, 12, 16 and 19,
28 1977.

1 COUNT 3:

2 Respondent falsely billed the Medi-Cal Program for the
3 following medical procedures which were not rendered to Medi-Cal
4 recipient F.J. - I.D. No. [REDACTED]

5 1. EKG's performed on July 21 and 24, 1977; August
6 25, 1977; September 7 and 12, 1977, at respondent's office.

7 2. Office visit on July 29, 1977.

8 3. Four hospital visits in August 1977.

9 4. Seventeen urinalysis performed at respondent's
10 office.

11 5. Twenty-one blood withdrawals performed at
12 respondent's office.

13 6. Four throat cultures performed at respondent's
14 office.

15 COUNT 4:

16 Respondent falsely billed the Medi-Cal Program for the
17 following medical procedures which were not rendered to Medi-Cal
18 recipient L.J. - I.D. No. [REDACTED]

19 1. Ten urinalysis performed at respondent's office.

20 2. Fourteen blood withdrawals performed at
21 respondent's office.

22 3. Eight throat cultures performed at respondent's
23 office.

24 4. Four three-hour glucose tolerance tests performed
25 at respondent's office.

26 5. Three hours of psychotherapy performed at
27 respondent's office.

1 6. Two T.B. skin tests on August 12 and 22, 1977,
2 performed at respondent's office.

3 COUNT 5:

4 Respondent falsely billed the Medi-Cal Program for the
5 following medical procedures which were not rendered to Medi-Cal
6 recipient R.J. - I.D. No. [REDACTED]

7 1. Ten EKG's allegedly performed on May 3, 1977; June
8 7 and 13, 1977; and August 4 and 11, 1977, at respondent's
9 office.

10 2. Seventeen urine samples performed at respondent's
11 office.

12 3. Fifteen blood withdrawals performed at
13 respondent's office.

14 4. Ten throat cultures performed at respondent's
15 office.

16 5. Nine injections performed at respondent's office.

17 6. One hour of psychotherapy performed at
18 respondent's office.

19 7. One three-hour glucose tolerance test performed at
20 respondent's office.

21 COUNT 6:

22 Respondent falsely billed the Medi-Cal Program for the
23 following medical procedures which were not rendered to Medi-Cal
24 recipient W.McA. - I.D. No. [REDACTED]

25 1. Eight EKG's performed on April 8, 1977; July 15
26 and 21, 1977; August 15, 17 and 19, 1977, at respondent's
27 office.

1 2. Five blood withdrawals performed at respondent's
2 office.

3 3. Eleven urine samples performed at respondent's
4 office.

5 4. Six throat cultures performed at respondent's
6 office.

7 5. Office visits on August 2, 4, 8 and 11, 1977.

8 COUNT 7:

9 Respondent falsely billed the Medi-Cal Program for the
10 following medical procedures which were not rendered to Medi-Cal
11 recipient L.R.M. - I.D. No. [REDACTED]

12 1. Seven EKG's performed on August 18 and 25, 1977;
13 September 1, 15 and 20, 1977, at respondent's office.

14 2. Four blood withdrawals performed at respondent's
15 office.

16 3. Eight urine samples performed at respondent's
17 office.

18 4. Five throat cultures performed at respondent's
19 office.

20 5. Psychotherapy performed at respondent's office as
21 follows:

22 a. August 19, 1977 1 1/2 hours

23 b. August 25, 1977 1 hour

24 c. August 29, 1977 1 1/2 hours

25 d. August 31, 1977 1 1/2 hours

26 e. September 12, 1977 1 hour

27 f. September 20, 1977 1 hour

1 COUNT 8:

2 Respondent falsely billed the Medi-Cal Program for the
3 following medical procedures which were not rendered to Medi-Cal
4 recipient B.M. - I.D. No. [REDACTED]:

- 5 1. Three EKG's performed at respondent's office.
- 6 2. Thirteen blood withdrawals performed at
7 respondent's office.
- 8 3. Eleven urinalysis performed at respondent's
9 office.
- 10 4. Two T.B. skin tests performed at respondent's
11 office.
- 12 5. Nine injections performed at respondent's office.
- 13 6. Two three-hour glucose tolerance tests performed
14 at respondent's office.
- 15 7. Seven throat cultures performed at respondent's
16 office.

17 COUNT 9:

18 Respondent falsely billed the Medi-Cal Program for the
19 following medical procedures which were not rendered to Medi-Cal
20 recipient R.S. - I.D. No. [REDACTED]:

- 21 1. Three EKG's performed at respondent's office.
- 22 2. Five blood withdrawals performed at respondent's
23 office.
- 24 3. Eleven urine samples performed at respondent's
25 office.
- 26 4. Seven throat cultures performed at respondent's
27 office.

5. One hour psychotherapy performed at respondent's office on the following dates:

a. July 11, 13, 15, 19, 22, 25 and 28, 1977

b. August 1, 4, 9, 12, 16 and 18, 1977.

COUNT 10:

Respondent falsely billed the Medi-Cal Program for the following medical procedures which were not rendered to Medi-Cal recipient L.S. - I.D. No. [REDACTED]

1. Eighteen blood withdrawals performed at respondent's office.

2. Twenty-three urine samples performed at respondent's office.

3. Thirteen throat cultures performed at respondent's office.

4. Ten EKG's performed at respondent's office.

5. Ten hours of psychotherapy performed at respondent's office on August 4, 16, 18, 22, 24, 26 and 31, 1977; September 2, 9 and 12, 1977.

COUNT 11:

Respondent falsely billed the Medi-Cal Program for the following medical procedures which were not rendered to Medi-Cal recipient H.W. - I.D. No. [REDACTED]:

1. Two three-hour glucose tolerance tests performed at respondent's office.

2. Seventeen urine samples performed at respondent's office.

//

1 3. Eight throat cultures performed at respondent's
2 office.

3 4. Two three-hour glucose tolerance tests performed
4 at respondent's office.

5 5. Nine EKG's performed at respondent's office.

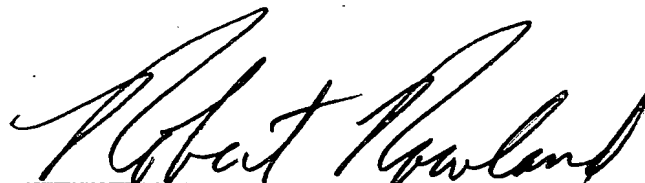
6 6. Eight hours of psychotherapy performed at
7 respondent's office.

8 WHEREFORE, complainant prays that the Division of
9 Medical Quality hold a hearing on the matters alleged herein and
10 following said hearing issue a decision:

11 1. Revoking or suspending the certificate of
12 respondent.

13 2. Taking such other and further action as it is
14 deemed necessary and proper.

15 DATED: October 25, 1978

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17 
18 ROBERT ROWLAND
19 Executive Director
20 Board of Medical Quality Assurance
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ATTACHMENT D

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

ALFRED WEITUNG CHAO, M.D.
1863 La Loma
Berkeley, California

License No. A 30346

Respondent.

NO. D-2121

N 10906

DECISION

The attached Proposed Decision of the Administrative Law
Judge is hereby adopted by the Board of Medical Quality
Assurance as its Decision in the
above-entitled matter.

This Decision shall become effective on April 2, 1979.

IT IS SO ORDERED March 1, 1979.


MICHAEL J. CARELLA
Acting Secretary-Treasurer

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
ALFRED WEITUNG CHAO, M.D.)
1863 La Loma)
Berkeley, California)
License No. A 30346)
Respondent.)

NO. D-2121
N 10906

PROPOSED DECISION

This matter was heard before Stewart A. Judson, Administrative Law Judge, State of California, Office of Administrative Hearings, on September 5, 6 and December 5, 1978, at Los Banos, California.

The complainant was represented by Joel S. Primes, Deputy Attorney General.

Alfred Weitung Chao, M.D., was represented by Ronald W. Hansen, Esq., Canelo, Walker and Hansen, P. O. Box 2165, Merced, California 95340.

The following decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

The Accusation was made by Robert Rowland in his official capacity as the Executive Director of the Board of Medical Quality Assurance of the State of California (the Board).

II

Alfred W. Chao, M.D. (respondent) was issued Physician and Surgeon Certificate No. A-30346 on August 20, 1976, by the Board authorizing the practice of medicine and surgery in the State of California. This license has been in full force and effect since said date.

III

(a) Dexedrine (dextroamphetamine) is a dangerous drug within the meaning of Sections 4211(c) and (k) of the Business and Professions Code and a controlled substance under Schedule II, Section 11055(d)(1) of the Health and Safety Code and Title II, Code of Federal Regulations, Section 1208.12(d)(1).

(b) Quaalude (methaqualone) is a dangerous drug within the meaning of Sections 4211(a) and (k) of the Business and Professions Code and Schedule III, Section 11056(b)(6) of the Health and Safety Code. As of January 1, 1977, Quaalude is a Schedule II controlled substance for prescription violations under Section 11150.5 of the Health and Safety Code and Title II, Code of Federal Regulations, Section 1308.12(e)(1).

(c) Valium (diazepam) is a dangerous drug within the meaning of Section 4211(k) of the Business and Professions Code and, as of January 1, 1977, a Schedule IV controlled substance under Section 11150.5 of the Health and Safety Code and Title IV, Code of Federal Regulations, Section 1308.14(b)(7).

(d) Dalmane (flurazepam hydrochloride) is a dangerous drug within the meaning of Section 4211(a) of the Business and Professions Code and, as of January 1, 1977, a Schedule IV controlled substance under Section 11150.5 of the Health and Safety Code and Title IV, Code of Federal Regulations, Section 1308.14(b)(10).

FIRST CAUSE FOR DISCIPLINARY ACTION

IV

Respondent, without a medical indication or pathological reason, prescribed the following medications to the following patients:

1. Sally W. [REDACTED] (aka Louise Watkins)

June 23, 1977 -Dexedrine 5 mg tabs, 30, Rx
No. 667697

July 14, 1977 -Dexedrine 5 mg tabs, 30, Rx
No. 189637

August 11, 1977-Dexedrine 5 mg, 50, Rx No. 190276

August 23, 1977-Dexedrine 5 mg, 50, Rx No. 190512

2. James Dube (aka Edward A. Ladd)

July 21, 1977 -Quaalude 300 mg, 20 Rx
No. 189785
July 27, 1977 -Dalmane 30 mg, 30, Rx
No. 189930
July 27, 1977 -Valium 10 mg, 100, Rx
No. 189931
August 23, 1977-Quaalude 150 mg, 20

3. Linda P [REDACTED] (aka Linde Lane Kinney)

August 16, 1977-Amphetamine 5 mg, 30,
Rx No. 28576

SECOND CAUSE FOR DISCIPLINARY ACTION

V

The matters found in Finding IV are incorporated herein.

VI

Respondent failed to make a record of each of the following prescriptions for controlled substances in Schedule II indicating the pathology and purpose for which the prescription was issued:

1. Sally W [REDACTED] (aka Louise Watkins)

Rx No. 667697, June 23, 1977-Dexedrine 5 mg tabs
Rx No. 189637, July 14, 1977-Dexedrine 5 mg tabs
Rx No. 190276, August 11, 1977-Dexedrine 5 mg
Rx No. 190512, August 23, 1977-Dexedrine 5 mg

2. Linda P [REDACTED] (aka Linde Lane Kinney)

Rx No. 28576, August 16, 1977-Amphetamines 5 mg

THIRD CAUSE FOR DISCIPLINARY ACTION

VII

The matters found in Finding IV are incorporated herein.

VIII

It was not established that on July 21, 1977, respondent dispensed Valium or any other dangerous drug to James D [REDACTED] in a sealed white envelope.

FOURTH CAUSE FOR DISCIPLINARY ACTION

IX

The matters found in Finding IV are incorporated herein.

X

Respondent, without a medical indication or pathological reason, prescribed the following medications to the following patients:

<u>DATE</u>	<u>PATIENT</u>	<u>DRUG</u>	<u>QUANTITY</u>	<u>Rx#</u>
1/11/77	Ora S [REDACTED] [REDACTED] S. F.	Ritalin 10 mg.	100	24146
2/18/77	" "	Quaalude 300 mg.	100	661416
2/18/77	" "	Ritalin 20 mg.	100	661415
3/4/77	" "	Ritalin 20 mg.	30	662212
3/9/77	Troy S [REDACTED] [REDACTED] S. F.	Ritalin 20 mg.	50	25336
3/9/77	" "	Quaalude 300 mg.	50	25335
3/9/77	Mae S [REDACTED] [REDACTED] S. F.	Ritalin 20 mg.	50	25334
3/9/77	" "	Quaalude 300 mg.	50	25333
3/9/77	Madison W [REDACTED] [REDACTED] S. F.	Quaalude 300 mg.	50	25337
3/9/77	" "	Ritalin 20 mg.	50	25338
3/11/77	Theresa F [REDACTED] [REDACTED] S. F.	Ritalin 20 mg.	50	320701
3/11/77	" "	Quaalude 300 mg.	50	320700
3/11/77	Crawford W [REDACTED] [REDACTED] S. F.	Ritalin 20 mg.	50	186451
3/11/77	" "	Quaalude 300 mg.	50	186450

<u>DATE</u>	<u>PATIENT</u>	<u>DRUG</u>	<u>QUANTITY</u>	<u>Rx#</u>
3/11/77	Herbert H. [REDACTED] Eagle Hotel, S. F.	Ritalin 20 mg.	50	25398
3/11/77	" "	Quaalude 300 mg.	50	320703
3/11/77	Hal O. [REDACTED] Eagle Hotel, S. F.	Ritalin 20 mg.	50	25396
3/11/77	" "	Quaalude 300 mg.	50	662630
3/11/77	Preston J. [REDACTED] Oakland	Quaalude 300 mg.	50	186453
3/11/77	" "	Ritalin 20 mg.	50	186452
3/11/77	William S. [REDACTED] S. F.	Ritalin 20 mg.	50	25397
3/11/77	" "	Quaalude 300 mg.	50	320703
3/11/77	James W. [REDACTED] S. F.	Quaalude 300 mg.	50	186455
3/11/77	" "	Ritalin 20 mg.	50	186454
3/11/77	Cole H. [REDACTED] S. F.	Ritalin 20 mg.	50	320697
3/11/77	Clyde M. [REDACTED] S. F.	Ritalin 20 mg.	50	320699
3/11/77	" "	Quaalude 300 mg.	50	320698
3/11/77	Harry C. [REDACTED] S. F.	Quaalude 300 mg.	50	186462
3/11/77	" "	Ritalin 20 mg.	50	186461
3/11/77	Eliz. W. [REDACTED] Sacramento	Quaalude 300 mg.	50	662608

<u>DATE</u>	<u>PATIENT</u>	<u>DRUG</u>	<u>QUANTITY</u>	<u>Rx#</u>
3/11/77	Colleen N. [REDACTED] S. F.	Quaalude 300 mg.	30	662603
3/11/77	" "	Ritalin 20 mg.	50	186460
3/11/77	Gloria D. [REDACTED] S. F.	Ritalin 20 mg.	50	662606
3/11/77	" "	Quaalude 300 mg.	30	662605
3/14/77	Lucis W. [REDACTED] S. F.	Ritalin 20 mg.	30	25415
3/14/77	Arctic B. [REDACTED] S. F.	Ritalin 20 mg.	30	25414
3/14/77	Edward M. [REDACTED] S. F.	Ritalin 20 mg.	30	25413
3/14/77	Raymond L. [REDACTED] S. F.	Ritalin 20 mg.	30	186500
3/15/77	Hester W. [REDACTED]	Dextro-Amphetamine 5 mg.	30	27914
3/14/77	Sherman D. [REDACTED] S. F.	Ritalin 20 mg.	50	186499
5/23/77	Alvin M. [REDACTED]	Amphetamine	12	188298
6/30/77	George B. [REDACTED] Los Banos	Quaalude 300 mg.	20	27621
7/25/77	Roy J. [REDACTED]	Quaalude 300 mg.	30	669017
7/29/77	Hester W. [REDACTED]	Dextro-Amphetamine 5 mg.	30	28236
8/10/77	" "	" "	30	28460
8/22/77	" "	" "	30	28672

SPECIAL FINDINGS

XI

1. Respondent is 30 years old. He obtained his MD in 1975 from Rush Medical College, Chicago, Illinois. He was one of three students in his class to be accepted into a three-year accelerated program.

2. Respondent underwent further training in internal medicine at MLK Hospital in Los Angeles, California. In September, 1976, he came to Los Banos, California, at the invitation of local physicians who were concerned over the lack of primary care physicians in the area. Respondent entered private practice and in March, 1977, acquired the practice of a departing local physician.

3. In no case, with respect to the patients described in Finding IV, did respondent establish a bona fide physician-patient relationship prior to prescribing the indicated drugs.

4. In no case, with respect to the patients described in Finding X, did respondent establish a bona fide physician-patient relationship prior to prescribing the indicated drugs.

5. On August 23, 1977, respondent issued a prescription for James D. (aka Edward Ladd) at the request of Sally W. (aka Louise Watkins). D. had not visited or seen respondent that day.

DETERMINATION OF ISSUES

FIRST CAUSE FOR DISCIPLINARY ACTION

I

A violation of Section 11154 of the Health and Safety Code was established. Cause for disciplinary action exists under Sections 2399.5, 2391.5 and 2361(a) in conjunction with Section 2360 of the Business and Professions Code.

SECOND CAUSE FOR DISCIPLINARY ACTION

II

A violation of Section 11190 of the Health and Safety Code was established. Cause for disciplinary action exists under Sections 2391.5 and 2361 in conjunction with Section 2360 of the Business and Professions Code.

THIRD CAUSE FOR DISCIPLINARY ACTION

III

A violation of Section 4228 of the Business and Professions Code was not established. Cause for disciplinary action does not exist under Sections 2360, 2361(a), 2391.5 and 4228 of said Code.

FOURTH CAUSE FOR DISCIPLINARY ACTION

IV

Violations of Section 11154 of the Health and Safety Code were established. Cause for disciplinary action exists under Sections 2399.5, 2391.5 and 2361(a) in conjunction with Section 2360 of the Business and Professions Code.

SPECIAL DETERMINATION

V

Consideration has been given to respondent's lack of professional experience.

ORDER

1. Certificate No. A-30346 of Alfred Weitung Chao, M.D., is revoked in accordance with Determinations I, II and IV, separately and severally.

2. Revocation shall be stayed, and respondent shall be placed on probation to the Division of Medical Quality (the Division) for a period of five (5) years upon the following conditions:

(a) Respondent's certificate shall be suspended for a period of sixty (60) days from the effective date of this Decision.

(b) Respondent shall be prohibited from administering, dispensing and prescribing or otherwise handling controlled substances and narcotics designated as such in Schedules II and III for a period of three (3) years from the effective date of this Decision. Respondent shall surrender his federal DEA registration and renew the same only as to Schedules IV and V no later than the effective date of this Decision.

(c) Within thirty (30) days from the effective date of this Decision, respondent shall submit to the Division, for its approval,

a continuing education course in pharmacology. Respondent must enroll and successfully complete this course, with notice of successful completion provided to the Division by the school; within the first year of probation.

(d) Respondent is prohibited from engaging in solo practice for a period of three (3) years from the effective date of this Decision. Prior to engaging in any practice of medicine and surgery, respondent shall submit to the Division, and receive its prior approval, a plan of practice limited to a supervised, structured environment in which respondent's activities will be overseen and supervised by at least one other physician.

(e) Respondent shall obey all federal, state and local laws and regulations governing the practice of medicine in California.

(f) Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division indicating whether there has been compliance with all the conditions of probation. The first such declaration shall be submitted on further notice from the Division.

(g) Respondent shall comply and cooperate with the Division's probation surveillance program.

(h) Within ninety (90) days of the effective date of this Decision, a medical consultant for the Division will send respondent written notice of the time, date and place for an initial interview to discuss the conditions of probation. Respondent shall report in person to the medical consultant as requested and, during the period of probation, shall appear for subsequent interviews to be held at least once per calendar year, as directed by the medical consultant or by the Division.

(i) In the event respondent should leave California to reside or practice outside the State, respondent shall notify the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of the probationary period.

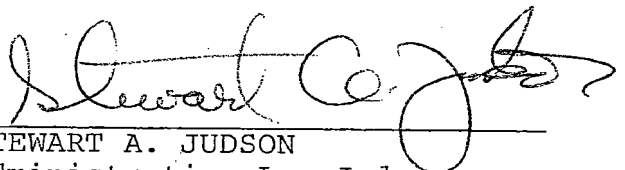
(j) Should respondent violate any of the conditions of probation in any respect, the Division, after providing respondent with notice

and an opportunity to be heard, may set aside the stay order and impose the revocation of respondent's certificate or take such other action as it deems appropriate in accordance with the law.

(k) Upon successful completion of the term of probation, respondent's certificate will be fully restored.

3. The Third Cause for Disciplinary Action is dismissed.

DATED: January 3, 1979


STEWART A. JUDSON
Administrative Law Judge

SAJ:LHJ

ATTACHMENT E

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

ALFRED WEITUNG CHAO, M.D.
520 W. "I" Street
Los Banos, California

License No. A 30346,

Respondent.

NO. D-2293

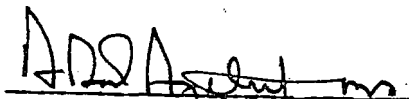
N 10906

DECISION

The attached Proposed Decision of the Administrative Law
Judge is hereby adopted by the Board of Medical Quality
Assurance as its Decision in the
above-entitled matter.

This Decision shall become effective on May 18, 1979.

IT IS SO ORDERED April 18, 1979.


A. DAVID AXELRAD, M.D.
Secretary-Treasurer

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

ALFRED WEITUNG CHAO, M.D.)
520 W. "I" Street)
Los Banos, California)
License No. A 30346,)
Respondent.)

NO. D-2293
N 10906

PROPOSED DECISION

This matter was consolidated for hearing with a Second Supplemental Accusation, No. D-2121, filed by the Board of Medical Quality Assurance and thereafter heard before Robert S. Kendall, Administrative Law Judge, State of California, Office of Administrative Hearings, on December 20, 21 and 22, 1978, in Los Banos, California. The record remained open for inclusion of certain written matters agreed to between counsel at the hearing which were received and marked for identification on January 9 and February 28, 1979. On February 22, 1979, the record was reopened on motion of Mr. Primes on behalf of the Board of Medical Quality Assurance to permit certain technical amendments to the title of its accusation herein. Thereafter, the matter stood submitted on March 1, 1979.

The Department of Health Services and the Board of Medical Quality Assurance, Division of Medical Quality, were represented by Joel S. Primes, Deputy Attorney General.

Respondent Alfred Chao, M.D., who was present at all sessions, was represented by Ronald Hansen, Attorney at Law, 548 West 21st Street, Merced, California.

Accordingly, the following decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

Robert Rowland, Executive Director of the Board of Medical Quality Assurance, made the allegations in the Accusation in his official capacity and not otherwise.

II

On August 20, 1976, respondent Alfred Chao, M.D., was issued Physicians and Surgeons Certificate A-30346 by the Board of Medical Quality Assurance; at all times herein pertinent, that Certificate was, and is, in force.

III

Respondent at all times herein pertinent, is and was a provider of services under the California Medical Assistance Program (Medi-Cal) and is, and was, qualified to submit claims for medical services rendered eligible to be reimbursed therefor by the State of California through its fiscal intermediary agency: California Blue Shield (Blue Shield). Respondent was and is assigned Medi-Cal Vendor No. [REDACTED]. At all times herein pertinent, respondent submitted certain service claims to Blue Shield while engaged in the practice of medicine as a family practitioner in Los Banos, which contained, inter alia, charges for certain medical services certified as having been rendered by him (or members of his office staff) for certain Medi-Cal beneficiaries hereafter named.

IV

JAMES C [REDACTED]:

a) Between June 21 and September 15, 1977, respondent treated this patient, inter alia, for allergic dermatitis, atopic dermatitis, and acute rhinitis.

b) Between these dates, respondent submitted to Blue Shield certain medical service claims for professional services claimed to have been performed in his office for this patient:

- 5 Electrocardiograms (EKGs)
- 9 Urinalyses
- 5 Throat cultures
- 3 Blood withdrawals for blood testing

It was established that neither respondent, nor his employees, had performed the following services for this patient during that period despite billing Blue Shield for them:

- 3 Electrocardiograms (EKGs)
- 8 Urinalyses
- 5 Throat cultures
- 3 Blood withdrawals performance of blood for tests

V

FLORENCE D [REDACTED]

a) Between April 18 and September 20, 1977, respondent treated this patient for a urinary tract infection, duodenal ulcer, probable reflex esophagitis; costochondritis, rhinitis, congestive heart failure, anxiety neurosis, pylomphritis, pulmonary congestion; hematuria, proteinuria, pneumonia and embolus hypertensive heart disease, and essential hypertension; as set out in Service Reports submitted to Blue Shield wherein respondent, inter alia, claimed for professional services rendered in his offices:

- 13 EKGs
- 17 Urinalyses
- 11 Throat cultures
- 2 3-hour glucose tolerance tests
- 2 1-hour psychotherapy sessions

14 Blood withdrawals for performance of blood tests

b) It was established that neither respondent, nor his employees, had during this time period, performed, or caused to be performed for the patient certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed in respondent's office:

2 EKGs allegedly performed on August 19, and 23, 1977

4 Urinalyses

14 Blood withdrawals for blood tests

9 Throat cultures

2 3-hour glucose tolerance tests

2 1-hour psychotherapy sessions allegedly performed on August 26, and September 20, 1977.

VI

FLOYD J [REDACTED]

a) Between April 12 and September 30, 1977, respondent treated this patient for numerous complaints including, inter alia, lumbago, otitis media, acute rhinitis, probable angina, duodenal ulcer, pulmonary infarction, sinus tachycardia, dermatitis, acute pharyngitis, sjögrens Syndrome, uremia, acute bronchitis, insomnia, and hypatunegaly (sic); as set out in Service Reports submitted to Blue Shield wherein respondent claimed payment for professional services rendered in his office and the hospital:

8 EKGs

18 Urinalyses

6 Throat cultures

12 Blood withdrawals for performance of blood tests

6 Hospital visits in August, 1977

- 1 Office visit on July 29, 1977, where an EKG and urinalysis was allegedly performed

b). It was established that neither respondent, nor his employees, had in fact, during this time period performed, or caused to be performed for the patient certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed in respondent's office or by respondent at hospital:

- 6 EKGs. It is found only two such tests were made on May 12, 1977 and June 22, 1977, respectively, as established in Exhibits 9 and 4.

17 Urinalyses

- 4 Throat cultures

12 Blood withdrawals

4 Hospital visits in August, 1977

- 1 Office visit on July 29, 1977

It was established that on July 29, respondent's appointment book (Exhibit 6), Patient Notes (Exhibit 9), Office Charge Slips (Exhibit B), EKG Book (Exhibit 4) and Laboratory records (Exhibit Q) do not contain any entries, whereby it can be substantiated this patient came to respondent's office that day, or on the day preceding, or following that day.

VII

LILY J [REDACTED]:

a) Between March 31 and September 22, 1978, respondent treated this patient for numerous complaints including inter alia, essential hypertension, exogenous obesity, sinus tachycardia, gastroenteritis, pyuria, migraine headache, erronic pylophritis,

muscular debilitation (R/O dyptoria), acute pharyngitis, anemia, diabetes mellitis, pulmonary edema, probable pleurisy, hiatal hernia, and costochondritis; all as set out in Service Reports submitted to Blue Shield, wherein respondent claimed payment for professional services rendered in his office:

- 18 Urinalyses
- 10 Throat cultures
- 4 3-hour glucose tolerance tests
- 3 1-hour psychotherapy sessions
- 2 Tuberculosis skin tests
- 15 Blood withdrawals for performance of blood tests
- 12 EKGs

b) It was established that neither respondent, nor his employees, had in fact, during this time period performed or caused to be performed for the patient certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed in respondent's office:

- 10 Urinalyses
- 10 Throat cultures
- 4 Glucose tolerance tests, 3-hours
- 3 1-hour psychotherapy sessions
- 2 Tuberculosis skin-tests
- 12 Blood withdrawals for performance of blood tests
- 7 EKGs

It is found only those EKGs set out in Exhibit 4 as having been performed on May 18, June 3, July 14, August 12 and September 13, 1977, were, in fact, actually performed.

c) It is found that despite some minor contradictions concerning the numbers and frequencies of certain tests allegedly administered to this witness by respondent and alluded to in her statement given to a Department of Health Services investigator in December, 1977, and her testimony at a preliminary hearing held in September, 1978, as well as her testimony at the hearing herein, witness Lily J. [REDACTED]'s testimony was credible and inherently trustworthy.

VIII

ROY A. J. [REDACTED]:

Between May 3 and September 21, 1978, respondent treated this patient for complaints which included, inter alia, migraine headaches, acute pharyngitis, bursitis, insomnia, neurasthenia, angina pectoris, hyperrrhodosis (sic), aniso-poikileaytosis (sic), thrombocytopenia, heart murmer, hyperhydiosis, anemia, brachycardia, urinary incontenence, peptic ulcer, and dermatitis; all as set out in Service Reports submitted to Blue Shield wherein respondent claimed payment for professional services rendered in his office including:

- 12 EKGs
- 19 Urinalyses
- 17 Blood withdrawals for blood tests
- 11 Throat cultures
- 11 Injections
- 3 1-hour psychotherapy sessions
- 2 3-hour glucose tolerance tests

b) It was established that neither respondent, nor his employees, had in fact, during this time period performed, or caused to be performed for the patient certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed in respondent's office:

- 7 EKGs. It is found only those EKGs set out in Exhibit 4 and 11, as having been performed on April 22, June 25, July 11, August 1 and August 5, 1977, were in fact actually performed.
- 14 Urinalyses
- 8 Blood withdrawals for blood tests
- 10 Throat cultures
- 6 Injections
- 3 1-hour psychotherapy sessions
- 2 3-hour glucose tolerance tests

c) It is found that despite minor contradictions in his testimony at the hearing concerning the numbers and frequencies of certain of the above tests and procedures in a statement given to a Department of Health Service investigator in December, 1977; and his testimony at a preliminary hearing in September, 1978; and his testimony at the hearing, witness Roy J. [REDACTED]'s testimony was credible and inherently trustworthy.

IX

LEROY M. [REDACTED]

a) Between April 29 and September 20, 1977, respondent treated this patient for complaints including, inter alia, advanced spondylitis of cervical spine, left ventricular hypertrophy, atrial fibrillation, phlebitis, acute pharyngitis, heart murmur, probable angina pectoris, sciatica, organic brain syndrome, schizophrenic reaction, and probable diabetes mellitus; as set out in Service Reports submitted to Blue Shield, wherein respondent claimed payment for professional services rendered in his office:

- 8 EKGs
- 9 Urinalyses
- 5 Throat cultures

- 1 3-hour glucose tolerance test
- 3 1-hour psychotherapy sessions
- 3 1½-hour psychotherapy sessions
- 4 Blood withdrawals for blood tests

b) It was established that neither respondent, nor his employees, had in fact, during this time period performed, or caused to be performed for the patient, certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed.

- 5 EKGs. It is found only those EKGs set out in Exhibit 4 and/or Exhibit 13, as having been performed on April 20, June 23 and September 20, 1977 were, in fact, actually performed.

- 8 Urinalyses
- 4 Throat cultures
- 1 3-hour glucose tolerance test
- 3 1-hour psychotherapy sessions
- 3 1½-hour psychotherapy sessions
- 4 Blood withdrawals for blood tests

c) It is found this patient was never in respondent's office for more than 30 minutes in any visit, and on all visits, never spent more than 10 to 15 minutes with respondent personally in direct contact. It is therefore found that neither the 3-hour glucose tolerance tests nor the psychotherapy sessions could have been received by the patient as billed for by respondent to Blue Shield.

X

BEATRICE M. [REDACTED]:

- a) Between June 14 and September 7, 1977, respondent

treated this patient for complaints including inter alia, petit mal seizure, renal disease, sinus tachycardia, duodenal ulcer, S/P cholecystectomy, malabsorption syndrome, acute pharyngitis, diabetes mellitus, pancreatitis - pseudocyst, menopausal syndrome, chronic anxiety neurosis, and anemia; as set out in Service Reports submitted to Blue Shield wherein respondent claimed payment for professional services rendered in his office:

- 10 EKGs
- 11 Urinalyses
- 9 Throat cultures
- 2 3-hour glucose tolerance tests
- 4 1-hour psychotherapy sessions
- 3 T.B. skin tests
- 1 Pap smear
- 10 Injections
- 14 Blood withdrawals for blood tests

b) It was established that neither respondent, nor his employees, had in fact, during this time period performed, or caused to be performed for the patient certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed in respondent's office:

- 5 EKGs. It is found only those EKGs set out in Exhibit 14 and Exhibit 4, as having been performed on June 14, 16, July 8, 11 and August 2, 1977, were, in fact, actually performed.
- 7 Urinalyses
- 6 Throat cultures
- 2 3-hour glucose tolerance tests

4 1-hour psychotherapy sessions

3 T.B. skin tests

c) It is found this patient was never in respondent's office for a period longer than one-half hour. It is therefore found that no 3-hour glucose tolerance tests, or 1-hour psychotherapy sessions could have been received by the patient.

d) It is found that despite minor contradictions concerning the numbers and frequencies of certain of the above tests and procedures allegedly received by this patient contained in a statement given to a Department of Health Services investigator in December, 1977; her testimony at a preliminary hearing in September 1978, and her testimony at the hearing, witness Beatrice M. [REDACTED]'s testimony was credible and inherently trustworthy.

XI

RUBY S. [REDACTED]:

a) Between April 5, 1977 and August 17, 1977, respondent treated this patient for complaints including, inter alia, Raynaud's disease and/or phenomena, rhinitis, Scheroderma, S/P arm sympathectomy, uremia, R/O Sympathectomy (thoracic), UPTN heart disease, B12 deficiency, and acute phasygitis; as set out in Service Reports submitted to Blue Shield wherein respondent claimed payment for professional services rendered in his office and in the hospital:

3 EKGs

11 Urinalyses

9 Throat cultures

2 1-hour psychotherapy sessions

1 Pap smear

4 Blood withdrawals for testing

5 Hospital visits between August 19-23, 1977

b) It was established that neither respondent, nor his employees, had in fact, during this time period performed, or caused to be performed for the patient, certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed:

- 2 EKGs. It is found only those EKGs set out in Exhibits 15 and 4 as having been performed on June 28 were in fact, actually performed.
- 10 Urinalyses
- 7 Throat cultures
- 2 1-hour psychotherapy sessions
- 1 Pap smear
- 4 Blood withdrawals for testing
- 3 Hospital visits between August 19 - 23, 1977

c) It is found this patient was never in respondent's direct presence in his office or in the hospital for any period longer than one-half hour. It is therefore found the two one-hour psychotherapy sessions billed for could not have been received by the patient.

d) It is found that despite minor contradictions concerning the numbers and frequencies of certain of the above tests and procedures allegedly received by this patient in a statement given to a Department of Health Service Investigator in December, 1977; her testimony at a preliminary hearing in September, 1978, and her testimony at the hearing, witness Ruby S██████'s testimony was credible and inherently trustworthy.

XII

LOUISE S██████

a) Between April 5, 1977 and September 2, 1977, respondent treated this patient for complaints including, inter alia, torticollis, pharyngitis, diabetes mellitis, essential

hypertension, heart murmur, melena, bleeding ulcer, anemia, pyelonephritis, palpitation; congestive heart failure, menopausal syndrome, ectopic beats, thrombophlebitis, R/O pulmonary embolus, schizophrenia, lumbago, depressive anxiety, erisypelas; as set out in Service Reports submitted to Blue Shield wherein respondent claimed payment for professional services rendered in his office:

14 EKGs

25 Urinalyses

14 Throat cultures

19 Blood withdrawals for tests

7 Psychotherapy sessions (3 of 1-hour duration)

1 3-hour glucose tolerance tests

b) It was established that neither respondent, nor his employees, had in fact, during this time period performed, or caused to be performed for the patient certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed:

10 EKGs. It is found only those EKGs set out in Exhibit 16 as having been performed on April 20, May 3, June 9 and August 1, 1977, were, in fact, actually performed.

23 Urinalyses

12 Throat cultures

10 Blood withdrawals

7 Psychotherapy sessions (3 of 1-hour duration)

c) It is found this patient was never in respondent's presence either in his office or in the hospital for a period longer than that required to insert acupuncture needles in the witness' body. Respondent would return approximately 30 minutes

thereafter to remove the needles. It is found that respondent never discussed with this witness her medical, general health, emotional, or mental problems or conditions longer than ten minutes on any occasion she was in his office. It is therefore found no psychotherapy sessions of any nature or length were had with this patient by respondent.

d) It is true that there were contradictions between this witness' testimony at the hearing; her statement to the Department of Health Services investigators a year earlier, and her testimony at the preliminary hearing in September, 1978, concerning the number and frequency of the tests and procedures performed on her. However, it is clear from the witness' testimony that while "some" blood samples were taken, she clearly recalled at the hearing "nowhere near 18" were taken during the entire period in question. This witness' statements concerning EKGs given her wherein at preliminary hearing, she recalled "possibly six to seven" performed by respondent's office nurse, is not seriously compromised by her testimony at the hearing that three EKGs were performed in respondent's office. A review of Exhibit 16 (patient records) indicates four EKGs were performed on this patient in respondent's office, while two additional tests were performed in the hospital.

Similarly, this witness' testimony, concerning her recollection of the number of times she left urine samples, or had throat cultures, is also found to be inherently trustworthy and credible.

XIII

HESTER W. [REDACTED]:

a) Between April 5, 1977 and September 29, 1977, respondent treated this patient for complaints including, inter alia, sinus tachycardia, foreign body in right eye; statis (sic) car accident injuries, palpitation; anxiety neurosis, oral mucosal infection, sciatica, manic depressive neurosis, macrocytic anemia, Wegener's granulomatosis; as set out in Service Reports submitted to Blue Shield wherein respondent claimed payment for professional services rendered in his office:

- 15 EKGs
- 20 Urinalyses
- 9 Throat cultures
- 8 1-hour psychotherapy sessions
- 2 3-hour glucose tolerance tests
- 16 Blood withdrawals for tests

b) It was established that neither respondent, nor his employees, had in fact, during this time period performed or caused to be performed for the patient certain of the services or tests above set out, despite the fact these were certified to Blue Shield as having been performed:

- 8 EKGs. It is found only those EKGs shown by Exhibits 17 and 4 as having been performed on April 15, May 24, June 3, 21 and 29, August 3 and September 21, were, in fact, actually performed.
- 17 Urinalyses
- 6 Throat cultures
- 8 1-hour psychotherapy sessions
- 2 3-hour glucose tolerance tests
- 13 Blood withdrawals for tests

c) It is found this patient was never in respondent's office, or in his presence in his office, for a period longer than 30 minutes at any visit. It is found that respondent did not discuss with this patient at any time either her emotional or mental problems, state of mind or well-being. It is also found therefrom that no 3-hour glucose tolerance tests could have been performed on this patient; nor 1-hour psychotherapy sessions accomplished.

d) While this witness' memory and testimony concerning the number and frequency of the tests and procedures performed on her by respondent during the periods in question was to some

extent contradictory, it is clear, and it is hereby found, that the witness' recollection of events was sufficient and accurate enough to support her testimony and recollection that neither respondent nor his staff had performed the number of EKGs, urinalyses, blood withdrawals, etc., alleged to have been performed upon her during the period.

XIV

No evidence was offered in connection with the allegations contained in Count 6 of the Accusation.

XV

a) It is true, that in numerous incidents involving service reports billings for many of the named patients during the time span set out, Blue Shield either refused payment of the services billed; or alternatively in some instances, reduced or reclassified certain of the service designations before making payment thereon.

b) It is true that in many instances, respondent, or his staff apparently initiated charge tags (Exhibit B) setting forth certain services allegedly rendered to certain of these patients during the periods here in issue, which charges were not thereafter billed to Blue Shield. It is not thereby established that respondent is entitled to a "set off" credit of unbilled services; nor is it found that because these tags exist the services shown on them were, in fact, actually performed for the particular patient in that there is no corroboration thereof in the individual patient's records, the EKG log block, laboratory records, or patient appointment books, all kept by respondent and his staff.

c) Respondent's testimony that of the results of 3-hour glucose tolerance tests, only the first test result, taken at 30 minutes, and, in some cases, the second taken 1 hour after ingestion of glucose, were of any medical significance or use to him for his own diagnostic purposes; and that therefore he needed to take no other periodic tests thereafter, is found to be untrustworthy and not credible. This testimony by respondent was not supported by expert or any other evidence or testimony which would support respondent's contention. It was established

that in no instance was any patient alleged to have been given 3-hour glucose tolerance tests instructed to fast or restrict diet prior to coming to the office before the alleged tests. It was established that certain of respondent's patients herein named were sent to the hospital by respondent for performance of 3-hour glucose tolerance tests, and were given prior instructions by respondent or his staff to fast before reporting to the hospital.

d) Respondent's testimony that in many instances, where certain EKG charges were initiated on Service Reports for particular patients during the stated periods, short "test strips" were made in lieu of full and complete EKGs and that these test strips were adequate for his diagnostic and treatment purposes, is found untrustworthy, not credible and unsupported by any other evidence.

Detailed review of Exhibits 7, 8, 9, 10, 11, 13, 14, 15, 16, 17 and 4 (individual patient's medical records and EKG log) fail to substantiate respondent's contention in this regard. While full EKG tracings are contained in many patients' files, none of these records contain "test strips," nor do the physician's notes in said patient's files make reference to "test strip" indication or results.

e) It was established that respondent's only training in psychotherapy is limited to that received by him routinely at medical school. He has had no special or extended training in psychotherapy.

While it is true respondent, from time to time discussed with certain of his patients particular aspects of their medical problems, it was established that, in no instance, did respondent actually conduct a formal psychotherapy session with any of these patients.

f) It was established that respondent had opened a small laboratory in his office where he personally performed laboratory tests on specimens taken from his patients for various diagnostic and treatment purposes.

It is found there is a near total lack of any recordation, entries, or notes, in Exhibits 7, 8, 9, 10, 11, 13, 14, 15, 16 and 17 (the patient's records) setting out that certain tests

were considered by respondent to be indicated; that these tests were thereafter performed, and what results were obtained, if any, from the tests allegedly performed on the samples taken from the patient.

Respondent testified that it was his practice to enter all laboratory test results on Exhibit Q; and that he only placed a particular patient's name in Exhibit Q when a given test result had some medical significance to him. It is true that on many dates test result entries for certain patients are contained in Exhibit Q. It was also established that the patients' notes and patients' appointment books (or either, or both in many instances) do not indicate that respondent saw that patient on the day the sample or specimen was allegedly taken or that if he did, he did not indicate in his patients' notes the requirement for that particular test, or that the specimen had been taken, or what results, positive or negative, had ensued.

DETERMINATION OF ISSUES

I

The matters set forth in Findings of Fact IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, and XIV, and each of these, establish respondent falsely billed the Medi-Cal program fiscal intermediary between March 1 and September 30, 1977, for professional services allegedly performed for certain Medi-Cal beneficiaries, when in fact, said services had not been rendered or performed; and when respondent knew, or should have known, said services had not been rendered or performed; all in violation of Welfare and Institutions Code Section 14123, and California Administrative Code, Title 22, Sections 51452, 51420 and 51485.

Therefore, grounds for suspension or revocation of respondent's license for unprofessional conduct exist pursuant to the provisions of Business and Professions Code Sections 2360 and 2361(e) for commission of acts involving dishonesty in course of his professional activities.

II

The matters set forth in Findings of Fact IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, and XIV, and each of these, establish respondent has knowingly made and signed, and caused

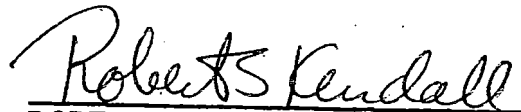
to be made and to be signed on his behalf, certificates, or other documents, directly and indirectly related to the practice of medicine which falsely represented the existence or non-existence of a state of facts, thus has been guilty of unprofessional conduct.

Therefore, grounds for suspension or revocation of respondent's license for unprofessional conduct exist pursuant to the provisions of Business and Professions Code Sections 2411, 2360 and 2361.

ORDER

The License No. A 30346 of respondent Alfred Weitung Chao, M.D. to practice in California is hereby revoked.

DATED: March 9, 1979.



ROBERT S. KENDALL
Administrative Law Judge

RSK:rs

ATTACHMENT F

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Reinstatement of Revoked Certificate)
of:)

ALFRED WEITUNG CHAO, M.D.)
4026 Harvest Hill Road, Apt. 1043)
Dallas, Texas 75734)

L-24941

License No. A 30346,)
)
)
Petitioner.)

DECISION

This matter came on regularly for hearing on August 14, 1981, at 1:30 p.m., at Irvine, California, before a quorum of a panel of the Medical Quality Review Committee, District 13, consisting of George Derry, M.D., acting as chairman, Lloyd Carnahan, M.D., Ronald Cohen, M.D., Donald Ogilvie, D.C., and Ina Bliss. Willis Mevis, Administrative Law Judge of the Office of Administrative Hearings presided. Barry Ladendorf, Deputy Attorney General, represented the Attorney General. The respondent appeared in person and represented himself without further representation. Evidence was received. The matter was considered in executive session. The panel makes the following findings of fact.

I

On August 20, 1976, respondent Alfred Chao, M.D. was issued Physician and Surgeon Certificate A-30346 by the Board.

II

On April 2, 1979, respondent's certificate was revoked for violation of the Health and Safety Code. The revocation was stayed and respondent placed on five years probation upon certain terms and conditions. Thereafter, the Merced County Superior Court stayed said decision. Said stay is still in effect.

III

On May 18, 1979, the Board revoked the respondent's certificate for acts of dishonesty; Medi-Cal billing and false representation.

IV

On or about August 5, 1981, respondent filed a Petition for Reinstatement of Revoked Certificate. The petition is now pending.

V

Since his revocation, respondent has served at Sinai Hospital of Baltimore as an assistant resident; at South Baltimore Hospital as a medical intern; and at Good Samaritan Hospital, Baltimore, Maryland; and at Prince George's General Hospital, Cheverly, Maryland as a medical residency; all for relatively brief periods of time. He is now employed in a non-medical capacity in Dallas, Texas.

VI

Respondent, when time was available, has sought to read material on management. The lack of such knowledge he feels led in part to his discipline.

VII

The panel does not find that respondent has demonstrated sufficient rehabilitation at this time.

In conjunction with any future application for reinstatement the panel recommends that the respondent include with such application the report of examination, progress, and treatment of the respondent by an independent psychiatrist or other qualified person satisfactory to the Board or its medical consultant.

VIII

Respondent's current address is 4026 Harvest Hill Road, Apt. 1043, Dallas, Texas 75234.

* * * * *

Pursuant to the foregoing findings of fact, the panel of the Medical Quality Review Committee, District 13, makes the following determination of issues:

Good grounds were not established by respondent to establish rehabilitation sufficient to grant his petition for reinstatement of revoked certificate.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The petition for reinstatement of Alfred Weitung Chao, M.D. is denied.

This Decision shall become effective on October 15, 1981.

SO ORDERED September 15, 1981.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

By George H. Derry, M.D.
GEORGE DERRY, M.D., Chairman
Panel, District 13

WM:ss

ATTACHMENT G

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Reinstatement of Revoked Certifi-)
cate and Modification of Probation)
of:)
ALFRED W. CHAO,) NO. L-32011
Respondent.)
_____)

DECISION

This matter came on regularly to be heard before a quorum of a panel of a Medical Quality Review Committee, at Los Angeles, California on May 4, 1984. The panel consisted of the following persons:

Thomas M. Heric, M.D., Ph.D. (Chairman)
Augusta Sanders, R.N.
Bernice Watkins (Public Member)
Paul Hirsch, M.D.
Ronald Arias (Public Member)
Dorothy Rosenthal, M.D.
Dymus Lawrence, M.D.

P. M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, presided at the public hearings conducted by the panel, but did not participate in the panel's deliberations and decisions.

The Attorney General was represented by Earl R. Plowman, Deputy Attorney General. Respondent, Alfred W. Chao, appeared personally and was represented by Tom Hughes, attorney at law.

Evidence, both oral and documentary was presented, and the matter was submitted for decision. The matter was considered in executive session. The panel makes its findings of fact, determination of issues and renders its decision as follows:

I

Respondent's license was revoked by the Division on May 18, 1979 upon a finding that respondent committed acts involving dishonesty in the course of his professional activities by submission of false Medi-Cal billings. In a prior disciplinary action, respondent had been placed on probation to the Division for prescribing controlled substances in the absence of a good faith medical examination.

II

Respondent has filed a petition for reinstatement of his revoked certificate and for modification of probation.

III

A previous petition for reinstatement filed by respondent was denied with a recommendation that any subsequent petition contain a report of psychological testing and examination. The instant petition contains such report, which, on the whole, is a positive evaluation.

IV

It is evident that respondent sincerely desires to pursue his medical career. Since his certificate was revoked he has worked as an intern and in a variety of research and training positions. He has also had extensive continuing medical education.

* * * * *

DETERMINATION OF ISSUES

Respondent has established that his petition for reinstatement may be granted upon proper terms and conditions as hereinafter set forth pursuant to Section 2307 of the Business and Professions Code.

* * * * *

ORDER

The petition for reinstatement of revoked license of Alfred W. Chao, M.D. is hereby granted subject to the following limitations:

(a) Respondent shall be prohibited from administering, dispensing and prescribing or otherwise handling controlled substances and narcotics designated as such in Schedules II and III for a period of three (3) years from the effective date of this Decision. Respondent shall surrender his federal DEA registration and renew the same only as to Schedules IV and V no later than the effective date of this Decision.

(b) Within thirty (30) days from the effective date of this Decision, respondent shall submit to the Division, for its approval, a continuing education program in relevant courses required of all licensees. Respondent must enroll and successfully complete this course, with notice of successful completion provided to the Division by the school, as required by the Division.

(c) Respondent is prohibited from engaging in solo practice for a period of three (3) years from the effective date of this Decision. Prior to engaging in any practice of medicine and surgery, respondent shall submit to the Division, and receive its prior approval, a plan of practice limited to a supervised, structured environment in which respondent's activities will be overseen and supervised by at least one other physician. It will be respondent's obligation to secure from the supervising physician a bi-annual report to the Division indicating respondent's quality of performance.

(d) Respondent shall obey all federal, state and local laws and regulations governing the practice of medicine in California.

(e) Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division indicating whether there has been compliance with all the conditions of probation. The first such declaration shall be submitted on further notice from the Division.

(f) Respondent shall comply and cooperate with the Division's probation surveillance program.

(g) Within ninety (90) days of the effective date of this Decision, a medical consultant for the Division will send respondent written notice of the time, date and place for an initial interview to discuss the conditions of probation. Respondent shall report in person to the medical consultant as requested and, during the period of probation, shall appear for subsequent interviews to be

held at least once per calendar year, as directed by the medical consultant or by the Division.

(h) In the event respondent should leave California to reside or practice outside the State, respondent shall notify the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of the probationary period.

(i) Should respondent violate any of the conditions of probation in any respect, the Division, after providing respondent with notice and an opportunity to be heard, may set aside the stay order and impose the revocation of respondent's certificate or take such other action as it deems appropriate in accordance with the law.

(j) Upon successful completion of the terms of probation, respondent's certificate will be fully restored.

MEDICAL QUALITY REVIEW COMMITTEE
BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY

DATED

June 4, 1984

By

Thomas M. Heric
THOMAS M. HERIC, M.D., Ph.D.
Chairman

This Decision shall become effective on July 12, 1984.
IT IS SO ORDERED June 12, 1984.

ATTACHMENT H

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)
for Termination of Probation)
of:)

ALFRED WEITUNG CHAO, M.D.)
25 South Raymond, Suite 114)
Alhambra, CA 91801)

NO. L-37478

Petitioner.)
_____)

DECISION

This matter came on regularly for hearing before a quorum of a panel of District XIV Medical Quality Review Committee at San Diego, California on June 12, 1986. The panel consisted of the following persons:

Richard M. Sullivan, M.D., chairperson
Charles Umansky, M.D.
Valeriano Jamora, M.D.
Peter Shea, D.D.S.
Patricia Jablonski, R.N.
Rosemary Barrett-Smith (public member)

Ronald M. Gruen, an Administrative Law Judge of the Office of Administrative Hearings presided at the hearing.

Thomas Lazar, Deputy Attorney General, represented the Attorney General. Petitioner Alfred W. Chao, M.D. appeared in person and was represented by Louis J. Anapolsky, Attorney at Law.

Evidence having been introduced, the matter was submitted and considered in executive session. The panel renders its findings of fact and decision as follows:

I

Petitioner's license was revoked by the Division on May 18, 1979 upon a finding that he committed acts involving

dishonesty in the course of his professional activities by submission of false Medi-Cal billings. In a prior disciplinary action petitioner had been placed on probation to the Division for prescribing controlled substances in the absence of good faith medical examinations.

II

On June 4, 1984 petitioner's revoked license was reinstated by the Division subject to certain limitations including the following limitations - to wit:

"(a) Respondent shall be prohibited from administering, dispensing and prescribing or otherwise handling controlled substances and narcotics designated as such in Schedule II and III for a period of three (3) years from the effective date of this Decision. Respondent shall surrender his federal DEA registration and renew the same only as to Schedules IV and V no later than the effective date of this Decision.

(c) Respondent is prohibited from engaging in solo practice for a period of three (3) years from the effective date of this Decision. Prior to engaging in any practice of medicine and surgery, respondent shall submit to the Division, and receive its prior approval, a plan of practice limited to a supervised, structured environment in which respondent's activities will be overseen and supervised by at least one other physician. . . ."

III

On or about June 3, 1986, petitioner filed the herein petition for termination of probation. He contends that he is Board Eligible in internal medicine and nephrology. He has been trained to treat terminally ill patients, and is in private practice. His current probationary status has created hardship relative to petitioner's pursuit of his medical career. He is unable to obtain medical malpractice insurance and is hampered in the treatment of terminally ill patients who are in need of medication, because of the restrictions on his DEA permit.

IV

Petitioner had made good efforts at rehabilitation and has demonstrated a growing professional maturity. However, termination of probation is not warranted at this time.

However, petitioner has demonstrated that there would be no evident danger in restoring his DEA permit to its full privileges. He is fully aware of his responsibilities and duties relative to proper prescribing practices. He has taken courses in drug abuse and the protocol of drug prescription. Therefore elimination of provision (a) of the order of the Division of June 4, 1984 (Finding of Fact II above) is warranted.

* * * * *

Pursuant to the foregoing findings of fact, the Panel makes the following determination of issues:

Pursuant to the provisions of Section 2307 of the Business and Professions Code it is hereby determined that the petition for termination of probation should be denied. However, cause exists for modification of the terms of probation by deletion of provision (a) of the Division's order of reinstatement of June 4, 1984 relative to federal DEA registration.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The petition of Alfred W. Chao, M.D. for termination of probation is hereby denied; provided, however, modification of the terms of probation is hereby granted as set forth in Determination of Issues hereinabove. With this exception, the order of the Division of June 4, 1984 shall remain in full force and effect in all respects.

This Decision shall become effective on the 1st
day of August, 1986.

IT IS SO ORDERED this 2nd day of July, 1986.

Richard M. Sullivan M.D.
RICHARD M. SULLIVAN M.D.
Chairperson, Panel, MQRC
District XIV
Division of Medical Quality

RMG:mh

ATTACHMENT I



BOARD OF MEDICAL QUALITY ASSURANCE

1430 HOWE AVENUE
SACRAMENTO, CA 95825

September 2, 1986

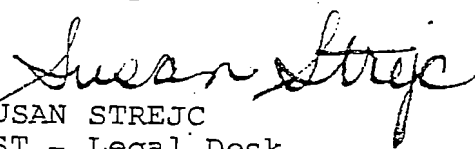
Alfred Chao, M.D.
25 South Raymond, Suite 114
Alhambra, CA 91801

Dear Doctor Chao:

This is to inform you that the Medical Quality Review Committee that heard your petition for termination of probation and which read your petition for reconsideration of their decision, has voted not to grant your petition for reconsideration.

Therefore, your probation will remain in effect until July 12, 1987 according to the decision of July 12, 1984.

Sincerely,


SUSAN STREJC
MST - Legal Deskcc: Thomas Lazar, DAG
Ronald M. Gruen, ALJ
Louis J. Anapolsky, Esq.
Donna Gray-Bowersox

ATTACHMENT J

INDUSTRIAL
MEDICAL
CLINICS, INC.

AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This Agreement is entered into between Alfred Chao, M.D.
(hereinafter "Physician") and INDUSTRIAL MEDICAL CLINICS, INC.,
(hereinafter "Company") effective Sept. 17, 1986.

Physician will perform professional services in the capacity of an independent contractor free of the professional control of the Company. Physician will be compensated at the rate of \$ 15 per hour week nights (6:00 p.m. to 8:00 a.m.), and weekends (Saturday 8:00 a.m. to Monday 8:00 a.m.). A fee of \$ 300 per day, i.e. 8:00 a.m. to 6:00 p.m. or \$ 150 a half day will be paid for week days. Physician agrees to pay his/her own Federal and State income taxes, FICA contributions and appropriate professional licenses.


Company agrees to furnish the Physician with a safe place to work and necessary supplies, personnel and facilities to accomplish his/her professional services. Physician is to be covered by Clinic's malpractice insurance for his/her services to patients Physician treats for the Clinic.

Entered into at Anaheim, California this 17th day of Sept. 1986.

Alfred Chao
Physician

Robert H. Hershman
INDUSTRIAL MEDICAL CLINICS, INC.

Rev. 10-26-84

SS# 

JOHN K. VAN DE KAMP, Attorney General
of the State of California
JEANNE C. WERNER
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Room 6200
San Francisco, California 94102
Telephone: (415) 464-3787

Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and)	NO. D-4095
First Supplemental Accusation)	
Against:)	
EZZAT ELAH MAJD POUR, M.D.)	FIRST SUPPLEMENTAL
P.O.Box 40848)	ACCUSATION
Indianapolis, Indiana 46240)	
Physician and Surgeon Certificate)	
No. A39558,)	
Respondent.)	

The Complainant alleges:

PARTIES

8. Complainant, Kenneth Wagstaff, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this First Supplemental Accusation solely in his official capacity.

9. The allegations of paragraphs 2, 3 and 4 of the accusation heretofore filed are realleged and incorporated by reference as if fully set forth.

10. Respondent's certificate is subject to discipline

1 under section 2305 of the Business and Professions Code in that,
2 on November 4, 1988, the Medical Licensing Board of Indiana
3 issued an order nunc pro tunc to October 27, 1988, placing the
4 Indiana medical license of respondent, license no. 01029499, on
5 three years probation on terms and conditions. A copy of said
6 disciplinary order is attached hereto as Exhibit D and is herein
7 incorporated by reference as though fully set forth.

8 PRAYER

9 WHEREFORE, the complainant requests that a hearing be
10 held on the matters herein alleged, and that following said
11 hearing, the Board issue a decision:

12 1. Revoking or suspending Physician and Surgeon
13 Certificate Number A39558, heretofore issued to respondent Ezzat
14 Elah Majd Pour;

15 2. Taking such other and further action as the Board
16 deems proper.

17 DATED: April 18, 1990.

18
19
20 *for* Kenneth Wagstaff
21 Executive Director
22 California Medical Board
23 Department of Consumer Affairs
24 State of California

25
26
27 Complainant

MEDICAL LICENSING BOARD OF INDIANA

CERTIFICATION

I, Patrick J. Turner, Administrator of the Medical Licensing Board of Indiana, through the Health Professions Bureau, being duly sworn upon my oath, depose and say:

I certify that the Health Professions Bureau is the record keeping agency for the Medical Licensing Board of Indiana which is responsible for licensing physicians and osteopathic physicians in the State of Indiana. As Administrator, I am the keeper of the records of administrative proceedings before the Medical Licensing Board of Indiana.

I further certify that the following document is a true and accurate copy of the file in the matter of EZZAT ELAH MAJD-POUR, M.D.

Patrick J. Turner
Patrick J. Turner
Administrator
Medical Licensing Board of Indiana
Health Professions Bureau

STATE OF INDIANA)
)
COUNTY OF MARION) SS

Patrick J. Turner, personally appeared before me, Cindy A. Vaught, and acknowledged the foregoing statements as true this 3rd day of January, 1990.

Cindy A. Vaught
Cindy A. Vaught, Notary Public
County of Residence: Marion
Commission Expires: 11/12/91

Examination No.	106598-\$10.00	106599-\$75.00	Receipt No.	#69797	Filing Fee	\$150	Exam Fee	Passed-Failed	Year
	#76517					\$150			

Name of College	Tehran Univ	Location	Tehran, Iran	Date of Graduation	6-16-66	Diploma Received	
Certificate	29499	Date Issued	8/14/79	Country		Town	
Identification		Date		Remarks			

Application Received
RECEIVED

MAR 15 1977

MEDICAL LICENSING
BOARD OF INDIANA

**APPLICATION FOR CERTIFICATE AND
LICENSE TO PRACTICE HEALING ART**

ON EXAMINATION
ON NATIONAL BOARDS
ON FLEX EXAMINATION

Applicant will not write above this line—Secretary use only

I hereby make application for admission to the Indiana examination for license to practice medicine and submit the following statements regarding my education qualifications. I have never before made application to the Medical Licensing Board of Indiana, either by examination or endorsement.

Are you habitually addicted to the use of narcotics or habit-forming drugs? No Do you indulge in alcoholic liquor to excess? No Have you ever been convicted of a crime that either involves a felony or involves moral turpitude? No If so, give particulars _____

Are you a citizen of the United States? No (I will be eligible Dec. 1977)

Declaration of Intent _____ Affidavit _____

(enclosed)

1. Ezzat Eleh. Majdpour. Apt. 505, 440, North Winona, st.
Name in Full Address
Indianapolis, Indiana, 46202
2. Rezaieh City, IRAN [REDACTED] Brown Brown 5/8
Place of Birth Date of Birth Color of Eyes Color of Hair Height

I65Lb

Weight

Other Means of Identification

System of practice { Regular X
Eclectic
Homeopathic
Physio-Medical
Osteopathic
Drugless } Cross out names not desired

4. I have resided in the following places, since birth, with length of time in each.

Rezaieh City, Iran, from 1945-1960. Tehran, IRAN (1960-1967)

Isfahan, IRAN. (1967-1971). 1971-1972, New York, City.

1972-1974. Harlem, N.Y.

1974-1976, Lexington, N.Y.

5. PRELIMINARY EDUCATION:

I have attended the following institutions with concise statement of period of study, date of diploma or certificate received. Herewith I submit a complete transcript of two years of pre-medical college work which admitted me to the medical course outlined in Article 6, page 2.

Premedical program combined with medical school in IRAN.
College—Pre-Medical Location

6. MEDICAL EDUCATION:

I have spent 7 years in the study of medicine in the institution named below, for the following terms:

The academic year starts from Sept, 21st, each year and ends in July.
(Tehran University School of Medicine, Tehran, Iran)

I received the degree of M.D. O. from Tehran University school of Med College, located at Tehran, IRAN on the 16 th day of June year 1966.

I am the person named in the accompanying diploma and am the lawful possessor of same. I make this affidavit for the purpose of obtaining from the Medical Licensing Board of Indiana a certificate authorizing the Clerk of _____ County to issue to me a license to practice medicine in the State of Indiana.

I am the possessor of the licenses as listed below:

(Applicant will give date and source of any license to practice medicine which he may hold, and state whether or not any such license has ever been revoked or become inactive.)

38 at E. Majid Pour

(Sign Name in Full. Initials Not Sufficient.)

Subscribed and sworn to before me this 4 day of March 1977

BEVERLY S. CRAMER, Notary Public
in and for Montgomery County, Ohio
My commission Expires May 1, 1978.

My commission expires _____

Beverly S. Cramer
Notary Public

7. PHOTOGRAPHS:

Two loose unmounted photographs, not larger than 3" x 5" must be enclosed. One photograph must be certified on back by a Notary Public, the other to be authenticated by Secretary of this Board and to be displayed on desk during the examination as means of identification.



Photo of holder
(attached)

Official Translation
from Persian language

No. 13631/Rsh
Dated: 15/5/48
(August 6, 1969)

Lion & Sun (Emblem of Iran).

University of Teheran.

According to the Report No. 2-5113, dated: 25/3/1348 (June 15, 1969) submitted by Medicine Faculty, does hereby certify that, Mr. Erzatollah, Majdipour, holder of Identity Card No. 2 issued at Rezaieh, born in the solar year (A.D.) in Tazeh-Tarkhan, (holder of above photo), has been studying at the academic-year 1338-39 (1959-60) to the end of the academic-year 1344-45 (1965-66) of the Course of Medical Department "M.D." Degree, below is given a detailed list of the Subjects of his studies during the academic year in accordance with the Faculty's curriculum and the grades he gains for the examinations. This statement, duly issued void of any alteration is given out only for his information, but it does not replace the graduation document.

Subjects	First year: the academic-year 1338-39 (1959-60)	
	Hours per year	Exams grade
Plant Biology Practical	86.	17.
" " Theoretical	64.	20.
Animal Biology Practical	86	13.
" " Theoretical	64	11.
Practical Chemistry	86	x
Theoretical Chemistry	86	11.
Practical Physics	86	10.
Theoretical Physics	128	12.
Psychology	32.	12.
Foreign language	64	15.
Second Year: the academic-year: 1339-40 (1960-1961)		
Practical Anatomy	144	16.
Theoretical anatomy	64	x
Practical Chemis	86	15.
Theoretical Chemistry	64	16.
Practical Physics	86	15
Theoretical Physics	96	10.

25 day of March 1977
Beverly S. Crum
BEVERLY S. CRUM, Notary Public
in and for Montgomery County, Ohio
My commission Expires May 1, 1978.

continued on next page:

Official Translation
from Persian language

Lion & Sun(coat-of-arms of the Iranian Government of Iran).

University of Teheran.

(Emblem of the University).

WHEREAS,

Mr. EZZATOLLAH MAJDIPOUR, holder of Identity Card No.2 ,
issued at Rezaieh, born in the solar year [REDACTED] ([REDACTED] A.D.) in Tapah -
Torkaman, has completed in Khordad-mah of the solar year 1345 (June 1966)
the Study Courses of Faculty of Medicine Medical Department " and was
entitled to obtain the M.D. Degree, This Diploma is conferred upon him
in pursuance of the Establishment law of the University ratified on 8th
Khordad of the solar year one thousand three hundred thirteen (June 1934),
in order to enjoy the legal privileges appertaining thereto.

Dean of The Faculty of Medicine (signature) and sealed.

The President of the University-Dr. Jahanshah Saieh (signature).

Certified to be true translation from Persian.

Official Translator to the Ministry of Justice

25 day of March 1977
Beverly S Cramer

BEVERLY S. CRAMER, Notary Public
in and for Montgomery County, Ohio
My commission Expires May 1, 1978.

IN THE MATTER OF)
EZZAT E. MAJD-POUR, M.D.)
holder of Indiana Physicians)
license no. 01029499)

Respondent)

FILED

NOV 04 1988

HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

An administrative hearing was held before the Indiana Medical Licensing Board (hereinafter "Board") on the 27th day of October, 1988, at 9:30 o'clock, a.m., local time, in the Board Room of the Health Professions Bureau, located at One American Square, Suite 1020, Indianapolis, Indiana, 46282, concerning the Respondent, Ezzat E. Majd-Pour's (hereinafter "Respondent") license to practice medicine, license no. 01029499, in the State of Indiana.

The State of Indiana was represented by counsel, John White, Deputy Attorney General, and the Respondent, appeared in person and was represented by counsel, Charles R. Vaughan, Esq.

The Board members hearing this matter were: George H. Rawls, M.D.; Martin J. O'Neill, M.D.; John H. Hinton, D.O.; Gilbert Wilhelmus, M.D.; and Deanna S. Porte-Keene, M.D.

The Board having considered the Complaint and Notice of Hearing, evidence, judicial notice of its official file including all previous action, and arguments, by a vote of 5 to 0, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent holds a license to practice medicine, license no. 01029499, in the State of Indiana.

2. The Complaint and Notice of Hearing were properly mailed to and received by Respondent pursuant to the notice of provisions of IC A 21 5-3-20.

3. In the performance of its statutorily delegated duties and responsibilities, this Board possesses and exercises special administrative expertise in determining whether or not certain practices and activities relate to the competent practice of medicine and/or whether or not such practices and activities constitute the

incompetent practice of medicine.

4. On or about August 7, 1986 Respondent's privileges at Tunica County Hospital, Tunica, Mississippi were suspended, pending a final hearing, due to his irrational behavior at the hospital.

5. On or about September 10, 1986 Respondent's privileges at Tunica County Hospital, Tunica, Mississippi, were permanently revoked after a hearing before the hospital's Board of Directors.

6. On or about August 29, 1986 the Mississippi State Board of Medical Licensure referred Respondent to the Examining Committee of the Mississippi Board of Medical Licensure for a determination as to Respondent's competence to practice medicine with reasonable skill and safety to patients.

7. On or about March 31, 1987, after a hearing, the Mississippi State Board of Medical Licensure concluded that Respondent's actions constituted unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public and that the Respondent is unable to practice with reasonable skill and safety to patients by reason of mental illness.

8. As a result of the above conclusion the Respondent's license to practice in the State of Mississippi was suspended for a period of three (3) years. A copy of the Order of the Mississippi State Board of Medical Licensure is attached hereto and incorporated by reference hereto as Exhibit "A".

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this case and take disciplinary action against Respondent.

2. The Respondent's conduct constitutes violations of IC 25-22.5-6-2.1(b)(1), 25-22.5-6-2.1(b)(4)(c), and 25-22.5-6-2.1(b)(8):

(b) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board under IC 25-22.5-2-7 and is subject to the exercise of the disciplinary sanctions under subsection (e) if, after a hearing, the board finds:

(1) the practitioner has

.

(4) a practitioner has continued to practice although he has become unfit to practice due to:

c. physical or mental disability

.

(8) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice medicine or osteopathic medicine in any other state or jurisdiction on grounds similar to those under this section. . .

ORDER

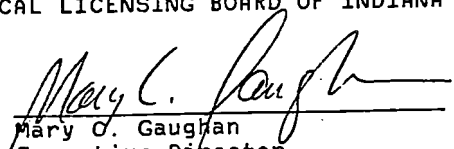
Based upon the foregoing Findings of Fact and Conclusions of Law, the Board now issues the following Order:

1. Respondent's medical license is placed on probation for a period of three (3) years upon the following terms and conditions:
 - (A) Respondent shall practice only in a supervised setting and shall cause written reports to be submitted by his supervising physician regarding his medical practice on an annual basis.
 - (B) During the term of probation, Respondent shall appear before the board on an annual basis and shall provide the board with information regarding his Federal Court litigation in the State of Mississippi and his medical practice in the State of Indiana.
2. Respondent is assessed costs in this action in the amount of \$150, payable to the Health Professions Bureau within thirty (30) days from the receipt of this order.
3. Respondent acknowledges and understands that any violation of the terms and conditions set forth herein shall immediately subject Respondent to the summary suspension of his medical license to practice in the State of Indiana.

All of which is ORDERED, ADJUDGED AND DECREED, this 4th day of November, 1988, nunc pro tunc to the 27th day of October, 1988.

MEDICAL LICENSING BOARD OF INDIANA

BY:


Mary C. Gaughan
Executive Director
Health Professions Bureau

cc: Ezzat E. Majd-Pour, M.D.
113 Third Street
Williamsport, IN 46993
CERTIFIED MAIL #P446 393 824
RETURN RECEIPT REQUESTED

John White
Deputy Attorney General
219 State House
Indianapolis, IN 46204

Charles R. Vaughan
VAUGHAN & VAUGHAN
P.O. Box 498
Lafayette, IN 47902

MISSISSIPPI
STATE BOARD OF MEDICAL LICENSURE
2688-D Insurance Center Drive
Jackson, Mississippi 39216

SEP 08 1987

HEALTH PROFESSIONS
SERVICE BUREAU
Telephone: (601) 354-6645

Frank J. Morgan, Jr., M.D., M.P.H.
Executive Officer

STATE OF MISSISSIPPI

COUNTY OF HINDS

I, Frank J. Morgan, Jr., M.D., Executive Officer of the Mississippi State Board of Medical Licensure, do hereby certify that I am the official custodian of the records of said Board and that the attached Determination and Order, dated March 31, 1987, Order, dated June 12, 1987, relating to the Mississippi medical license of Ezzat E. Majd, Pour, M.D., are true and correct copies of the originals hereof as same appear on file in this office.

Witness my official hand and seal of the Board, this 31st day of August, 1987.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

By: *Frank J. Morgan, Jr.*
Frank J. Morgan, Jr., M.D.
Executive Officer

Sworn to and subscribed before me this 31st day of August, 1987.

Paul M. Pitt
Notary Public
My Commission Expires July 24, 1989

Exhibit "A"

MISSISSIPPI
STATE BOARD OF MEDICAL LICENSURE

2688-D Insurance Center Drive
Jackson, Mississippi 39216

Frank J. Morgan, Jr., M.D., M.P.H.
Executive Officer

Telephone: (601) 354-6645

March 31, 1987

Ezzat E. Majd, Pour, M.D.
575 West Irwin Street
Post Office Box 1756
Tunica, Mississippi 38676

Re: In the Matter of the Physician's License of Ezzat
E. Majd, Pour, M.D.

Dear Dr. Majd:

Enclosed please find Determination and Order rendered by the Mississippi State Board of Medical Licensure as a result of the hearing held on March 19 and 20, 1987. The Order becomes effective immediately upon your or your counsel's receipt of the same. You are advised that you have a right to appeal the decision of the Board pursuant to provisions of the Mississippi Medical Practice Act.

As per the request of your legal counsel, I am hereby submitting the names of two psychiatrists approved by the Board to perform the comprehensive psychiatric and psychological work-up and follow-up treatment and care:

Hiliary F. Linder, M.D.
6005 Park Avenue
Suite 606 Memphis, TN 38119
(901) 767-3475

Melvyn A. Levitch, M.D.
5100 Poplar Avenue
Memphis, TN 38137
(901) 767-4593

Stan Ingram, attorney with the Board, will handle the collection of and transfer of all information which the psychiatrist deems necessary to perform his work-up, treatment and care.

Sincerely,


Frank J. Morgan, Jr., M.D.

FJM, JR:js
Enclosure
cc: Jim Waide
Stan T. Ingram
Sarah DeLoach

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE
PHYSICIAN'S LICENSE OF
EZZAT E. MAJD, POUR, M.D.

DETERMINATION AND ORDER

This matter came on regularly for hearing on March 19, 1987, before the Mississippi State Board of Medical Licensure pursuant to Miss. Code Ann. §73-25-63. The Board initiated these proceedings on July 20, 1986, by referral of Ezzat E. Majd, Pour, M.D. to the designated members of the Examining Committee, pursuant to Miss. Code Ann. §73-25-51 through §75-25-67, for the purpose of determining the fitness of Dr. Majd to practice medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis. Dr. Majd was thereafter ordered to appear before the Examining Committee on September 18, 1986. Dr. Majd appeared before said committee and was found to be suffering from a major mental disorder and unable to practice medicine with reasonable skill and safety to patients. However, prior to rendering a final determination, the committee ordered Dr. Majd to submit to a psychiatric evaluation/examination pursuant to Miss. Code Ann. §73-25-57(2). On October 6, 8, and 10, 1986, Dr. Majd submitted to such an examination and on October 13, 1986, a report was rendered concluding that Dr. Majd was suffering from a major thought disorder. On October 16, 1986, the Examining Committee rendered its Final Recommendation and Order finding

that Dr. Majd was unable to practice medicine with reasonable skill and safety to patients by reason of mental illness.

On October 16, 1986, the Board issued a Summons and Order of Temporary Suspension informing Ezzat E. Majd, Pour, M.D. that the Board had reason to believe that he was unable to practice medicine with reasonable skill and safety to patients by reason of mental illness. Dr. Majd's medical license was temporarily suspended pending the outcome of the scheduled hearing on November 20, 1986.

Pursuant to written request of Ezzat E. Majd, Pour, M.D., the Mississippi State Board of Medical Licensure rendered an order continuing the matter until the next regularly scheduled meeting on January 15, 1987, and prohibiting Dr. Majd from practicing medicine during the interim. The matter was further continued until March 19, 1987, in response to a motion filed on December 30, 1986, on behalf of Dr. Majd. On February 12, 1987, the Board expanded these proceedings by issuing a Supplemental Summons and Affidavit informing Ezzat E. Majd, Pour, M.D. that it had reason to believe that he was in violation of Miss. Code Ann. §73-25-29(8) and §73-25-83(a), in that Ezzat E. Majd, Pour, M.D., a physician duly licensed under the authority of the State Board of Medical Licensure and the laws of the State of Mississippi, was guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

A hearing was convened at 10:00 o'clock A.M., March 19, 1987, Ezzat E. Majd, Pour, M.D., being present, represented by

Jim Waide. Evidence and testimony was then presented. Based on the above, the Board renders the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

I.

EZZAT E, MAJD, POUR, M.D., hereinafter referred to as "Licensee", has been licensed to practice medicine in the State of Mississippi since September 9, 1981, pursuant to Miss. Code Ann. §73-25-1, holding Mississippi License No. 9448.

II.

Prior to seeking licensure in the State of Mississippi, Licensee served a two-year residency in surgery between August 1972 and August 1974 at the Appalachian Regional Hospital, Harlan, Kentucky. During his residency at the Appalachian Regional Hospital, Licensee was admitted to said hospital for treatment between December 24, 1973, and January 2, 1974, with chief complaints of weight loss, dizziness and syncopal episodes. During Licensee's treatment, he consulted a psychiatrist and was diagnosed as suffering from depression and a mild schizoid personality with a final diagnosis of hyperthyroidism, postural hypotension, anxiety depressive reaction and situational stress reaction.

III.

Licensee began practicing in Tunica, Mississippi, on or about June, 1985. On August 6, 1986, at approximately 6:35 o'clock P.M., patient Bobbie I. [REDACTED] was transported to the Tunica

County Hospital via ambulance. The patient was found to be dead upon arrival. Notwithstanding, the emergency room physician and nursing staff immediately initiated attempts to resuscitate the patient without regard as to the patient's identity or whom the patient's physician was. Resuscitation attempts were unsuccessful. Thereafter, Licensee accused the attending physician and nursing staff of "stealing" and "killing" patient Bobbie I. On the following day, August 7, 1986, Licensee went to the Tunica County Hospital, and accused the medical and nursing staff of "killing", "murdering", and "stealing" his patients. Licensee accused one particular nurse of being a "prostitute" and "turning into a vampire at night" and killing "hundreds" of his patients. Other accusations, too numerous to mention, included statements that the medical and nursing staff were killing his patients, that the medical and nursing staff and board of directors of the Tunica County Hospital were members of the "klan" and "racists" and that they were plotting to kill him or run him out of town. The above accusations were made at the Tunica County Hospital before numerous medical and staff personnel and were made in such a loud tone and manner as to indicate loss of control.

IV.

The accusations by Licensee toward the medical and nursing staff at Tunica County Hospital and other individuals during August 6, 1986, and August 7, 1986, were false and without any basis in fact. Although evidence reflects that deaths have occurred at the Tunica County Hospital, no complaints of mysterious deaths were filed with state or local authorities and the

number and causes of deaths occurring at the hospital were not unusual for a hospital of that size and type.

V.

On August 8, 1986, Licensee wrote and gave to other parties, including office staff, a note stating that on that date he was "threatened to be killed, if in future I murdered, my killer is Dr. Larry Black and Paris Prince only (otherwise nobody else is responsible)." Said note then provides that "These two people may kill me indirectly, but responsibility of murder should stay only with them, and nobody else." Although evidence presented indicates that Dr. Majd or his staff may have received phone calls of threatening nature, we find that there is no basis in fact for the accusation concerning Larry Black, M.D. and further, by Licensee's own admission, the accusation concerning Paris Prince was without merit.

VI.

That Licensee has on occasion carried a 38-caliber pistol on his person and in the presence of his staff, yielded the weapon in such a manner as to frighten his staff.

VII.

Licensee has exhibited other conduct and behavior indicative of an individual suffering from mental illness. Further, Licensee's own testimony revealed characteristics of one suffering from mental illness as substantiated by the expert testimony of Rodrigo M. Galvez., M.D. and George Hamilton, M.D.

VIII.

On or about July 7, 1986, Licensee admitted patient Doshie A. [REDACTED] to the Tunica County Hospital for the purpose of performing a breast biopsy. Licensee later scheduled and directed the nurses to prepare the patient for a simple mastectomy and excision of the lymph nodes to be performed under local anesthesia. Such a procedure should only be accomplished under general anesthesia and Licensee was prevented from carrying out the procedure by action of the medical staff.

IX.

On July 20, 1986, Frank J. Morgan, Jr., M.D., Executive Officer of the Mississippi State Board of Medical Licensure, referred Licensee to the designated members of the Examining Committee, pursuant to Miss. Code Ann. 673-25-51 through 675-25-67, for the purpose of determining the fitness of Licensee to practice medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis. Licensee was thereafter ordered to appear before the Examining Committee on September 18, 1986. Licensee appeared before said committee and was found to be suffering from a major mental disorder and unable to practice medicine with reasonable skill and safety to patients. However, prior to rendering a final determination, the committee ordered Licensee to submit to a psychiatric evaluation/examination performed by a psychiatrist and psychologist approved by the Board. Licensee chose Rodrigo M. Galvez, M.D. and James E. Stary, Ph.D., 1030 Riverside Plaza, Flowood, Mississippi, to perform the psychiatric evaluation/examination. On

October 6, 8, and 10, 1986, Licensee was examined by Rodrigo M. Galvez, M.D. and James E. Stary, Ph.D. and upon conclusion of said evaluation, a report was rendered to the Board dated October 13, 1986, concluding that Licensee was suffering from a major thought disorder, paranoid state, was incompetent and not responsible. Further, it was the opinion of Dr. Galvez that because of this condition, Licensee was in need of immediate medical treatment and his continued practice of medicine constitutes imminent danger to public health and safety. On October 16, 1986, the Examining Committee rendered its Final Recommendation and Order finding that Licensee was unable to practice medicine with reasonable skill and safety to patients by reason of mental illness.

X.

In addition to the above, Licensee has sought independent evaluations by G. H. Aivazian, M.D., Delores M. Digaetano, M.D., Jan T. Goff, M.D. and Ken Lippincott, M.D., in several instances, said physicians utilizing reports from independent psychologists. In each case, Licensee was found not to be suffering from a psychiatric disorder. However, several of the reports rendered by said physicians were qualified as to the accuracy of that information provided by Licensee and in each situation, the physician/psychologist based their evaluation on incomplete background history and/or improper data.

XI.

That Licensee was also examined by William M. Kallman, Ph.D who described Licensee's conduct as not indicative of "delusional"

behavior, but merely "angry exaggerations." However, Dr. Kallman did find that Licensee may have suffered on one occasion from an "acute paranoid disorder."

CONCLUSIONS OF LAW

After considering all the evidence presented, and based on the Board's personal observation of Licensee during his testimony, the Board hereby determines that Licensee's actions constitute unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public and that Licensee is unable to practice medicine with reasonable skill and safety to patients by reason of mental illness.

ORDER

IT IS HEREBY ORDERED that the Final Recommendation of the Examining Committee rendered October 16, 1986, is hereby accepted;

IT IS FURTHER ORDERED that on the basis of the findings of fact enumerated above, Mississippi Medical License No. 9448 issued to Ezzat E. Majd Pour, M.D., is hereby suspended for a period of three (3) years; however, said suspension will be stayed upon completion of and compliance with all of the following conditions to the satisfaction of the Mississippi State Board of Medical Licensure:

1. A physical examination, including CT scan of the head, endocrine survey and urine and blood drug screens by a physician approved by the Board of Medical Licensure with the results of

the examination submitted to the Board within thirty (30) days of receipt of this order;

2. A comprehensive psychiatric and psychological work-up with follow-up treatment and care by a psychiatrist approved by the Board of Medical Licensure from either Mississippi or Memphis, Tennessee. The results of the work-up are to be submitted to the Board within sixty (60) days of receipt of this order.

3. Monthly progress reports from the Board approved psychiatrist are to be submitted to the Board within fifteen (15) days of the end of each month during treatment.

4. All expenses incurred in carrying out this Order shall be borne by Licensee.

IT IS FURTHER ORDERED that pursuant to Miss. Code Ann. §73-25-27, as amended, a copy of this Determination and Order shall be sent by registered mail or personally served upon Ezzat E. Majd, Pour, M.D., and should become effective immediately upon receipt thereof.

THIS, the 31ST day of March, 1987.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

By: F. J. Morgan, Jr.
FRANK J. Morgan, Jr., M.D.
Executive Officer

MISSISSIPPI
STATE BOARD OF MEDICAL LICENSURE

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June 12, 1987

Ezzat E. Majd, Pour, M.D.
575 West Irwin Street
Post Office Box 1756
Tunica, Mississippi 38676

Re: In the Matter of the Physician's License of Ezzat
E. Majd, Pour, M.D.

Dear Dr. Majd:

Enclosed please find order rendered by the Mississippi State Board of Medical Licensure as a result of the Board's consideration of your Motion for Reinstatement at its June 4, 1987, meeting. The order becomes effective immediately upon your and your counsel's receipt of the same.

In an effort to assist you with reinstatement of your license, you have been granted an additional sixty (60) days to complete the physical examination and comprehensive psychiatric/psychological work-up with follow-up treatment and care. For this purpose, the order has enclosed a list of approved internists and psychiatrists licensed to practice medicine in the State of Mississippi. After you have chosen the internist and psychiatrist please notify the Board prior to submission for examination and care. The Board will provide the physicians with a copy of the March 31, 1987, Determination and Order and will extend access to any and all material which the physicians deem necessary to perform their examination and care.

If you have any questions, please do not hesitate to contact this office.

Sincerely,


Frank J. Morgan, Jr., M.D.

FJM, JR:js
Enclosures
cc: Jim Waide
Stan Ingram
Sarah DeLoach

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF

EZZAT E. MAJD, POUR, M.D.

ORDER

This matter came on regularly for hearing on June 4, 1987, before the Mississippi State Board of Medical Licensure in response to the motion of Ezzat E. Majd, Pour, M.D., hereinafter "Licensee", for reinstatement of his license to practice medicine in the State of Mississippi. Licensee was previously suspended from the practice of medicine by order of the Board rendered on March 31, 1987. This order was entered after a lengthy hearing held on March 19 and 20, 1987, wherein Licensee was found guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public and was found unable to practice medicine with reasonable skill and safety to patients by reason of mental illness. The Determination and Order rendered by the Board, from which Licensee did not appeal, suspended his license to practice medicine for a period of three (3) years, however, it was provided that the suspension would be stayed upon completion of and compliance with four (4) enumerated conditions, to wit:

1. A physical examination, including CT scan of the head, endocrine survey and urine and blood drug screens by a physician approved by the Board of Medical Licensure with the results of the examination submitted to the Board within thirty (30) days of receipt of this order;

2. A comprehensive psychiatric and psychological work-up with follow-up treatment and care by a psychiatrist approved by the Board of Medical Licensure from either Mississippi or Memphis, Tennessee. The results of the work-up are to be submitted to the Board within sixty (60) days of receipt of this order.

3. Monthly progress reports from the Board approved psychiatrist are to be submitted to the Board within fifteen (15) days of the end of each month during treatment.

4. All expenses incurred in carrying out this Order shall be borne by Licensee.

Licensee now states in his motion that he has complied "to the extent possible with the conditions for reinstatement of his license." Attached to his motion were reports of psychiatric and psychological evaluation by three (3) psychiatrists and two (2) psychologists and a report of physical examination by a physician. After a careful examination and review of the reports attached to Licensee's Motion for Reinstatement and after consideration of the Response filed by Stan T. Ingram, Counsel retained for the purpose of pursuing the action, it is the opinion of the Board that Licensee has failed to meet the conditions for reinstatement of his license.

Licensee did not request approval from the Board for use of Basil A. Bland, Jr., M.D. to perform the physical examination and tests. The report of physical examination submitted to the Board fails to indicate that a blood drug screen was run and there is no basis to determine the reliability of the procedures used for specimen collection. In addition, Licensee failed to seek approval from the Board prior to the psychiatric evaluations by David F. Moore, M.D., James B. Moseley, M.D., A. Jean-Pierre, M.D., Judith G. Carroll, Ph.D. and John M. Malinky, Ph.D. More

importantly, the reports from said psychiatrists submitted as a part of Licensee's motion, are inadequate and fail to document any evidence that Licensee has undergone a "comprehensive psychiatric and psychological work-up with follow-up treatment and care." The psychiatrist chosen to perform the comprehensive psychiatric and psychological work-up should understand the purpose for which the same is needed and should have access to any and all material in possession of Licensee and the Board which the physician deems necessary to perform a proper work-up, treatment and care. It is unclear whether any of the psychiatrists or psychologists even knew of the Board's order or the extent of Licensee's past conduct and history.

IT IS, THEREFORE, ORDERED that the Motion for Reinstatement be, and the same is hereby, denied; however, in order to assist Licensee in his effort to gain reinstatement of his license, IT IS FURTHER ORDERED as follows:

1. Licensee is hereby granted an additional sixty (60) days from date of receipt of this order to submit to a physical examination, including CT Scan of the head, endocrine survey and urine and blood screen by a physician chosen by Licensee from a list of approved Board Certified Internists attached hereto as Exhibit "A".
2. Licensee is hereby granted an additional sixty (60) days from date of receipt of this order to submit to a comprehensive psychiatric and psychological work-up with follow-up treatment and care by a psychiatrist

chosen by Licensee from a list of approved Board Certified psychiatrists attached hereto as Exhibit "B".

3. Licensee shall notify the Board of his choice of Internist and Psychiatrist prior to submission for the physical examination and comprehensive psychiatric and psychological work-up with follow-up treatment and care. The Board shall provide the physicians with a copy of the March 31, 1987, Determination and Order and extend access to any and all material in possession of the Board which the physicians deem necessary to perform their examination and care.

4. The Board Certified Internist and Psychiatrist shall submit to the Board a comprehensive statement/report of their examination, work-up and treatment or care. Upon completion of the comprehensive work-up, the psychiatrist shall notify the Board in writing whether or not he/she is willing to handle the follow-up treatment and care.

IT IS FURTHER ORDERED that a copy of this order shall be sent by registered mail or personally served upon Ezzat E. Majd, Pour, M.D. and should become effective immediately upon receipt thereof.

ORDERED, this the 12th day of June, 1987.

MISSISSIPPI STATE BOARD OF
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Columbus, MS 39701

Frank H. Dailey, M.D.
2500 5th St. North
Columbus, MS 39701

Andrew R. Dills, M.D.
425 Hospital Drive
Columbus, MS 39701

Sima G. Issen, M.D.
1920 Watling Wayn
Columbus, MS 39701

John D. McBrayer, M.D.
425 Hospital Drive
Columbus, MS 39701

James S. Rawson, M.D.
2500 5th Street N.
Columbus, MS 39701

John E. Reed, Jr., M.D.
425 Hospital Drive
Columbus, MS 39701

Thomas E. Sheffield, M.D.
425 Hospital Drive
Columbus, MS 39701

Jesse C. Williams, M.D.
Columbus Family Health
520 Willowbrook Road
Columbus, MS 39701

Ruby G. Moy, M.D.
Route 2, Box 239-D
Canton, MS 39046

Bryan F. McCraw, M.D.
1507 Church Street
Columbia, MS 39429

Ganesh N. Kini, M.D.
501 S. Chestnut St.
Aberdeen, MS 39730

Danny D. Moore, M.D.
800 N. Boulevard Dr.
Amory, MS 38821

Benjamin F. Sanford, Jr., M.D.
306 Lampkin
Starkville, MS 39759

Walter S. Sanford, M.D.
Route 5, Box 26
Starkville, MS 39759

Richard T. Green, M.D.
921 6th Avenue
Picayune, MS 39466

Stanford A. Owen, M.D.
1018 6th Avenue
Picayune, MS 39466

Larry B. Aycock, M.D.
300 Rawls Dr.
McComb, MS 39648

Robert E. Decoux, Jr., M.D.
300 Rawls Dr.
McComb, MS 39648

Thomas J. Putnam, M.D.
208 N. First Street
Booneville, MS 38829

Clara A. Myers, M.D.
348 Crossgates Blvd.
Brandon, MS 39042

Charles E. Sledge, Sr., M.D.
MS State Hospital
Whitfield, MS 39193

Thomas F. Barkley, M.D.
300 Oxford Road
New Albany, MS 38652

Thomas A. Shands, M.D.
301 Oxford Road
New Albany, MS 38652

Harish M. Madani, M.D.
P. O. Box 392
Tylertown, MS 39667

Santhosh K. Reddy, M.D.
P. O. Box 558
Tylertown, MS 39667

Michael L. Davis, M.D.
3311 I-20 Frontage Rd
Vicksburg, MS 39180

Karl W. Hatten, M.D.
3311 I-20 Frontage R
Vicksburg, MS 39180

Barry W. Holcomb, M.D.
P. O. Box 231
Vicksburg, MS 39180

Joseph M. Ross, Jr., M.D.
P. O. Box 231
Vicksburg, MS 39180

Polly M. Sepulvado, M.D.
100 McAuley Dr.
Vicksburg, MS 39180

Jerry M. Cunningham, M.D.
521 Fairview
Greenville, MS 38701

Steve M. Dragojevic, M.D.
250 Cypress Lane No.3-D
Greenville, MS 38701

Alonza L. Farr, M.D.
404 Alexander
Greenville, MS 38701

Robert Z. Fialkow, M.D.
1317 Railroad Avenue
Greenville, MS 38701

Robert E. Lee, M.D.
1307 E. Union St.
Greenville, MS 38701

Leon Lenoir, M.D.
1307 E. Union St.
Greenville, MS 38701

Jack Q. Causey, M.D.
Box 339
The Field Clinic
Centerville, MS 39631

Robert L. Lewis, M.D.
P. O. Box 876
Woodville, MS 39669

BOARD APPROVED PSYCHIATRISTS

Charles D. Burgess, Sr. M.D.
Highway 98 W Lake Forgetful
Route 13, Box 91
Hattiesburg, MS 39401

Raymond V. Kimble, III, M.D.
2409 Mamie Street
C/O Psy Group
Hattiesburg, Ms 39401

Gathel O. Runnels, M.D.
2409 Mamie Street
Hattiesburg, MS 39401

Leonard D. Ball, III, M.D.
57 52nd Street
Gulfport, MS 39501

Henry A. Maggio, M.D.
4501 15th Street
Gulfport, MS 39501

Robert G. Slack, M.D.
238 Lovers Lane
Ocean Springs, MS 39564

Benjamin F. Vogel, M.D.
60 Cindy Cove
Gulfport, MS 39503

Barry C. Amyx, M.D.
University Medical Center
Dept. of Psychiatry
2500 North State St.
Jackson, MS 39216

Edgar Draper, M.D.
University Medical Ctr.
Dept of Psychiatry
2500 North State St.
Jackson, MS 39216

Gray Hilsman, M.D.
1501 Lakeland Dr.
Suite 301
Jackson, MS 39216

Robert M. Ritter, M.d.
Dept. of Psychiatry
971 Lakeland #610
Jackson, MS 39216

James E. Ruff, II, M.D.
St. Dominic Medical Offices
971 Lakeland Dr. #610
Jackson, MS 39216

Garfield Tourney, M.D.
Univeristy Medical Ctr.
Dept. of Psychiatry
Jackson, MS 39216

EXHIBIT "B"

Emanuel G. Defraites, M.D.
4208 Pass Road
Biloxi, MS 39531

Robert T. Anderson, M.D.
1719 Hwy 19 North
Meridian, MS 39305

William H. Dudley, Jr., M.D.
P.O. Box 3037
Meridian, MS 39301

Robert L. McKinley, Jr., M.D.
Region VI Mental Health Ctr
P. O. Box 1505
Greenwood, MS 38930

Samuel R. Pate, Jr., M.D.
1030 Riverside Plaza
Jackson, MS 39208

Mario R. Pineda, M.D.
1050 N. Flowood Dr.
Jackson, MS 39208

STATE OF INDIANA,
Petitioner,
v.
EZZAT ELAH MAJD-POUR, M.D.,
Respondent.

FILED

MAY 18 1988

HEALTH PROFESSIONS
BUREAU

COMPLAINT

Comes now the State of Indiana (hereinafter "Petitioner") by counsel, Linley E. Pearson, Attorney General of Indiana, and John M. White, Deputy Attorney General, pursuant to the authority of IC 25-1-7-7(a), and for its complaint against Ezzat Elah Majd-Pour, M.D. alleges and says that:

COUNT I

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Medical Licensing Board of Indiana (hereinafter "Board") pursuant to IC 25-1-7 et seq.
2. The Board is charged with the duty and responsibility of regulating the practice of medicine in the State of Indiana pursuant to IC 25-22.5-2-7.
3. The Board is empowered to hold disciplinary hearings pursuant to the authority of IC 25-22.5-2-7 and IC 4-21.5-3 et seq.
4. Ezzat Elah Majd-Pour, M.D., (hereinafter "Respondent") who resides at 1218 Millcreek Lane, Columbus, Ohio 43220, is a duly licensed physician in the State of Indiana holding Indiana physician's license no. 01029499.
5. Respondent also holds a license to practice medicine in the State of Mississippi, License No. 9448.
6. On or about August 7, 1986 Respondent's privileges at Tunica County Hospital, Tunica, Mississippi were suspended, pending a final hearing, due to his irrational behavior at the hospital.

7. Attached hereto and incorporated herein by reference as exhibit "A" is a true and accurate copy of a letter, dated August 21, 1986, from James M. Wilson, President of Tunica County Hospital, to Respondent specifically stating the allegations against Respondent.

8. On or about August 29, 1986 the Mississippi State Board of Medical Licensure referred Respondent to the Examining Committee for a determination as to Respondent's competence to practice medicine with reasonable skill and safety to patients.

9. Attached hereto and incorporated herein by reference as exhibit "B" is a true and accurate copy of the Referral of Physician to Examining Committee issued by the Mississippi State Board of Medical Licensure on or about August 29, 1986.

10. On or about September 10, 1986 Respondent's privileges at Tunica County Hospital, Tunica, Mississippi, were permanently revoked after a hearing before the hospital's Board of Directors.

11. Attached hereto and incorporated herein by reference as exhibit "C" is a true and accurate copy of the Resolution of the Board of Directors of Tunica County Hospital, Inc. issued on or about September 10, 1987, revoking Respondent's privileges.

12. On or about September 18, 1986 Respondent appeared before the Examining Committee of the Mississippi Board of Medical Licensure. The Committee postponed its final determination of Respondent's fitness to practice medicine and ordered him to submit to a psychiatric examination and evaluation by a board approved psychiatrist and comprehensive psychological testing by a clinical psychologist.

13. Attached hereto and incorporated herein by reference as exhibit "D" is a true and accurate copy of the Recommendation and Order of the Examining Committee issued by the Examining Committee on or about September 18, 1986.

14. On or about October 6, 8 and 10, 1986 Respondent underwent psychiatric evaluation by Rodrigo M. Galvez, M.D.

The evaluation revealed that Respondent suffers from a major thought disorder, paranoid state, is incompetent and is not responsible.

15. Attached hereto and incorporated herein by reference as exhibit "E" is a true and accurate copy of a Respondent's psychiatric evaluation dated October 13, 1986 by Rodrigo M. Galvez, M.D.

16. Prior to October 9, 1986 Respondent underwent psychological testing administered and interpreted by James E. Stary, Ph.D., including the Wechsler Adult Intelligence Scale, Minnesota Multiphasic Personality Inventory, Sentence Completion Form and Rorschach Technique.

17. Attached hereto and incorporated herein by reference as exhibit "F" is a true and accurate copy of the Psychological Report on Respondent, dated October 9, 1986, prepared by James E. Stary, Ph.D.

18. On or about October 16, 1986 The Examining Committee issued its Final Recommendation and Order finding that Respondent suffers from a major thought disorder, paranoid state, is incompetent and not responsible. The Committee further found that Respondent was in need of immediate medical treatment and his continued practice of medicine constituted an immediate danger to public health and safety.

19. Attached hereto and incorporated herein by reference as exhibit "G" is a true and accurate copy of the Final Recommendation and Order of Examining Committee issued on or about October 16, 1986.

20. On or about October 16, 1986, Respondent's Mississippi medical license was placed on temporary suspension by the Mississippi State Board of Medical Licensure pending the outcome of a final hearing.

21. Attached hereto and incorporated herein by reference as exhibits "H" and "I" are true and accurate copies of the Summons and Order of Temporary Suspension issued on or about October 16, 1986 and the Supplemental Summons issued on or about

February 12, 1987 by the Mississippi State Board of Medical Licensure.

22. On or about March 31, 1987, after a hearing, the Mississippi State Board of Medical Licensure concluded that Respondent's actions constituted unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public and that the Respondent is unable to practice medicine with reasonable skill and safety to patients by reason of mental illness. The Mississippi State Board of Medical Licensure suspended Respondent's Mississippi medical license for a period of three (3) years. Said suspension is to be stayed upon completion and compliance with conditions imposed by the Mississippi Board.

23. Attached hereto and incorporated herein by reference as exhibit "J" is a true and accurate copy of the Determination and Order issued by the Mississippi State Board of Medical Licensure in the Matter of Ezzat E. Majd-Pour, M.D. on or about March 31, 1987.

24. Respondent was disciplined by the Mississippi State Board of Medical Licensure and found in violation of § 73-25-29 and § 73-25-53 Mississippi Code (1972) Annot. to-wit:

§ 73-25-29. nonissuance, suspension, revocation or restriction of license -- grounds.

The grounds for the nonissuance, suspension, revocation or restriction of a license are:

...

(8) Unprofessional conduct which includes, but is not limited to:

(d) Being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

* * * *

§ 73-25-53. Conditions warranting restriction, suspension or revocation of a license.

The license of any physician to practice medicine in this state shall be subject to restriction, suspension or revocation, as hereinafter provided, in case of inability of the licensee to practice medicine with reasonable skill or safety to patients by reason of one or more of the following:

(a) Mental illness.

The grounds stated above are similar to those under IC 25-1-9-4.

25. The conduct described above constitutes continuing to practice although the practitioner has become unfit to practice due to professional incompetence and mental disability in violation of IC 25-1-9-4(a)(4)(A) and (C); constitutes disciplinary action taken against the practitioner or the practitioner's license to practice medicine or osteopathic medicine in any other state or jurisdiction on grounds similar to those under IC 25-1-9-4 in violation of IC 25-1-9-4(a)(7).

WHEREFORE, Petitioner demands an order against Respondent, Ezzat E. Majd-Pour, M.D., that:

1. Imposes the appropriate disciplinary sanction pursuant to IC 25-1-9;

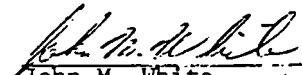
2. Requires Respondent to submit to psychiatric tests/evaluations, performed by a board certified psychiatrist to be chosen by the Respondent from a list of three (3) board certified psychiatrists provided to Respondent by the Medical Licensing Board of Indiana, including, but not limited to:

- a) Minnesota Multiphasic Personality Inventory (MMPI)
- b) Rorschach test
- c) Thematic Apperception Test (TAT)
- d) Wechsler Adult Intelligence Scale (WAIS)

3. Such further relief as the Board deems just and proper in the premises.

Respectfully submitted,

LINLEY E. PEARSON
Attorney General of Indiana

By: 
John M. White
Deputy Attorney General

Certified Mail #P446 393 792

Office of Attorney General
219 State House
Indianapolis, IN 46204
Telephone: (317) 232-6256
JMW/KMR/sb:4392S

Resent 1st Class Mail 6/14/88

TUNICA COUNTY HOSPITAL, INC.
U. S. Highway 61 North
P.O. Box 428
Tunica, MS 38676

August 21, 1986

Dr. Ezzat Majd
P.O. Box 1756
Tunica, Mississippi 38676

Dear Dr. Majd:

The purpose of this letter is to notify you that the Board of Directors of the Tunica County Hospital, Inc., is considering whether or not to issue an order permanently revoking your privileges at the Hospital. As you know at the present time your privileges have been temporarily suspended pending a full hearing of all relevant matters. The matters which the Board will consider at the hearing are as follows:

- (1) Your treatment of personnel at the hospital and derogatory statements made by you to personnel at the hospital on August 7, 1986, which events were discussed in some detail by you and other witnesses at the hearing concerning your temporary suspension which hearing was held on August 12, 1986, in your presence and with your attorneys;
- (2) It is charged that you wrote on your prescription pad a memorandum which is attached hereto and that you handed this memorandum out to persons who came into your clinic on August 8. A copy of this memorandum is attached as an exhibit to this letter. The Board will consider whether or not (a) you wrote the memorandum; (b) whether or not there was some basis for your fear; or (c) whether or not you wrote the memorandum and there was no basis for your fear;
- (3) It has been charged that you have made improper entries on charts at the hospital. It is charged that you have added orders after the fact rather than making entries in chronological order. If you or your attorney would like to discuss which charts are in question or would like to examine the charts, please contact me and I will make arrangements for your examination at a proper time and place before the hearing;
- (4) It is alleged that you have without cause accused employees of killing and injuring patients by giving wrong drugs and not giving drugs that you ordered;
- (5) It is alleged that you have wrongfully accused employees of the hospital of torturing patients;



Dr. Ezzat Majd
Page Two
August 21, 1986

- (6) It is alleged that you have wrongfully accused employees of the hospital of asking patients to leave the hospital;
- (7) It is alleged that you have failed to complete the records which you are required to complete in a timely fashion;
- (8) It is alleged that you scheduled surgery which was unsafe and contrary to your privileges and authorizations at the hospital and contrary to the rules and regulations of the hospital;
- (9) It is alleged that without provocation you exhibited outrageous conduct at a medical staff meeting while staff members were trying to explain the DRG program to you;
- (10) It is alleged that you accused staff members at the hospital of stealing dictation tapes;
- (11) It is alleged that you refused to comply with the Medicare and Medicaid regulations;
- (12) It is charged that you have intentionally made false or exaggerated statements that were incorrect concerning the hospital including accusing hospital personnel of being klansmen, racists, and criminals.
- (13) It is charged that you made a false statement on television concerning the care of a lady who had a baby in the hall at the hospital;
- (14) It is alleged that you have written on hospital charts that records have been dictated when in fact you had not dictated a complete record.
- (15) Your application shows that you were born in Iran and you have not furnished evidence that you are naturalized citizen of the United States or that you have U. S. Citizenship and we would like for you to furnish evidence at this time of your citizenship;
- (16) Information that you furnished to the hospital shows that you were born on [REDACTED] and that you began your medical study in 1961. We would like an explanation as to how you began your medical training at such a young age.

Dr. Ezzat Majd
Page Three
August 21, 1986

If either you or your attorney do not understand the above matters that will be discussed at the hearing or do not understand them in full, then you may write me a letter setting forth what further information you desire before the hearing begins.

With regard to the date of the hearing, I will call a meeting of the Board of Directors as promptly as possible after you notify me that you are ready for the hearing so that this matter can be disposed in an expeditious manner.

Yours very truly,

TUNICA COUNTY HOSPITAL, INC.

By James M. Wilson
James M. Wilson, President

E. MAJD, M.D.
 GENERAL SURGERY
 TUNICA MEDICAL CENTER
 "OPEN 24 HOURS"
 601-363-2713

Today 8/8/86, I was
 threatened to be killed,
 if in future I murdered,
 my killer is Dr. Larry Black
 and Paris Pringle
 (otherwise no body else is responsible.)
 E. MAJD, M.D.
 8/8/86 7PM

These two people may kill me
 indirectly, but responsibility
 of murder should stay only
 with them, and no body else.
 very truly,
 E. MAJD, M.D.

8/8/86
 7PM

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE
PHYSICIAN'S LICENSE OF
EZZAT E. MAJD, POUR, M.D.

REFERRAL OF PHYSICIAN TO EXAMINING COMMITTEE

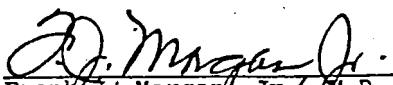
TO: ARTHUR A. DERRICK, M.D.,
GEORGE C. HAMILTON, JR., M.D.
BRUCE F. ATKINSON, M.D.

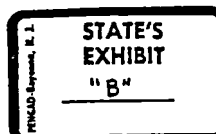
By authority granted unto the Mississippi State Board of Medical Licensure pursuant to Mississippi Code (1972) Annot., Sections 73-25-51 through 75-25-67, referral of Ezzat E. Majd, Pour, M.D. is hereby made to you as designated members of the Examining Committee, for the purpose of determining the fitness of Ezzat E. Majd, Pour M.D. to practice medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis.

The Mississippi State Board of Medical Licensure has reasonable cause to believe that Ezzat E. Majd, Pour, M.D., licensed to practice medicine in this state, is unable to practice medicine with reasonable skill and safety to patients because of mental illness. The examination shall be conducted in the Auditorium of the Felix J. Underwood State Board of Health Building, 2423 North State Street, Jackson, Hinds County, Mississippi on Thursday, September 18, 1986 at 1:30 P.M.

The Mississippi State Board of Medical Licensure further requests that you order said physician to appear before the Committee for the examination, after which, report your findings and recommendations to the Board.

Dated this 29th day of August, 1986, at Jackson, Mississippi.


Frank J. Morgan, Jr., M.D.
Executive Office
Mississippi State Board of
Medical Licensure
2688-D Insurance Center Drive
Jackson, Mississippi 39201



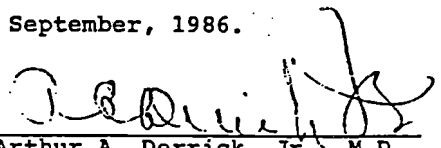
submitted to the Committee by Dr. Majd and the Investigative Staff of the Mississippi State Board of Medical Licensure. The cost of such examination shall be borne by Dr. Majd.

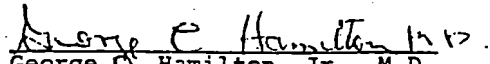
Upon completion of the examination, a complete report of the results, along with a certified copy of all hospital and/or patient records, shall be sent to the Mississippi State Board of Medical Licensure to the attention of its Executive Officer.

Upon receipt of the patient file and report of mental examination, the Examining Committee will render its final opinion and recommendation as to the fitness of Ezzat E. Majd, Pour, M.D., to practice medicine with reasonable skill and safety to patients, either on a restrictive or unrestrictive basis and report its findings and recommendations to the Mississippi State Board of Medical Licensure.

The failure of Ezzat E. Majd, Pour, M.D., to submit to the diagnostic mental examination pursuant to this order shall be reported by the Committee to the Mississippi State of Medical Licensure, and, unless due to circumstances beyond the control of Dr. Majd, shall be grounds for the suspension by the Mississippi State Board of Medical Licensure of Dr. Majd's license to practice medicine in this state until such time as he has complied with the order of the Committee.

SO ORDERED this the 18th day of September, 1986.


Arthur A. Derrick, Jr., M.D.,
Chairman


George C. Hamilton, Jr., M.D.


Bruce E. Atkinson, M.D.

RESOLUTION OF THE BOARD OF DIRECTORS
OF TUNICA COUNTY HOSPITAL, INC.
REVOKING PRIVILEGES OF DR. EZZAT MAJD POUR
AT THE TUNICA COUNTY HOSPITAL, INC.

WHEREAS, complaints have been made concerning Dr. Ezzat Majd pour and notice was duly given to him that a hearing would be held concerning such complaints by letter to him dated August 23, 1986, and a time was set convenient to the parties for hearing at 1:00 o'clock p.m. on September 9, 1986, and various witnesses appeared before the Board and testified and both parties rested and the Board has given consideration to the complaints and to the testimony and other matters presented at the hearing and is of the opinion that the privileges of Dr. Ezzat Majd pour to admit patients to the hospital operated by the Tunica County Hospital, Inc., a Mississippi nonprofit corporation, and to otherwise use hospital services should be terminated.

NOW, THEREFORE, the privileges of Dr. Ezzat Majd pour to admit patients to the hospital operated by the Tunica County Hospital, Inc., a Mississippi nonprofit corporation, and otherwise use hospital services be and the same is hereby terminated.

BE IT FURTHER RESOLVED that James M. Willson, President of the Board of Directors, is requested to inform Dr. Ezzat Majd pour of this decision.

THUS RESOLVED, this the 10th day of September, 1986.

On motion, the meeting adjourned, this the 10th day of September, 1986.

James M. Willson
President

ATTEST:

E. M. Woody
Secretary



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE
PHYSICIAN'S LICENSE OF
EZZAT E. MAJD, POUR, M.D.

RECOMMENDATION AND ORDER OF THE EXAMINING COMMITTEE

WHEREAS, the Examining Committee as designated by the Mississippi State Board of Medical Licensure under Section 73-25-55 of the "Disabled Physician Law", Mississippi Code (1972) Annot., convened at 1:30 P.M., Thursday, September 18, 1986, in the Auditorium of the Felix J. Underwood State Board of Health Building, 2423 North State Street, Jackson, Hinds County, Mississippi, to conduct an examination of Ezzat E. Majd, Pour, M.D., Tunica, Mississippi, for the purpose of determining his fitness to practice medicine with reasonable skill and safety to patients because of mental illness. Ezzat E. Majd, Pour, M.D. was present for the examination.

WHEREAS, after review of material provided by the Investigative Staff of the Mississippi State Board of Medical Licensure, material presented to the Committee by Ezzat E. Majd, Pour, M.D. and after an examination of Dr. Majd, it is the opinion of the Committee that Dr. Majd suffers from a major mental disorder and is unable to practice medicine with reasonable skill and safety to patients. However, the Examining Committee believes that a diagnostic mental examination of Dr. Majd is necessary for the Examining Committee's final determination of Dr. Majd's fitness to practice medicine.

NOW, THEREFORE, IT IS HEREBY ORDERED that within 30 days of the order, Ezzat E. Majd, Pour, M.D. submit to a psychiatric evaluation/examination performed by a board certified psychiatrist approved by the Mississippi State Board of Medical Licensure and comprehensive psychological testing performed by a licensed clinical psychologist approved by the Board. Said examination shall include at least three follow-up visits with the Psychiatrist having at his/her disposal the same materials



MISSISSIPPI NEUROPSYCHIATRIC CLINIC

1030 RIVERSIDE PLAZA

JACKSON, MISSISSIPPI 39208

(601) 528-1800

October 13, 1986

RODRIGO M. GALVEZ, M.D.
WILLIAM J. GALLISPIE, JR., M.D.
GEORGE D. LADNER, M.D.
S. RAY PATE, M.D.

BENJAMIN A. ROOT, JR., M.D.
BRUCE M. SUTTON, M.D.
JAMES C. STARY, PH.D.

Frank Morgan, M.D.
Executive Officer
Mississippi State Board of Medical Licensure
2688-D Insurance Center Drive
Jackson, Ms 39216

Re: Ezza Majd, Pour, M.D.

Dear Doctor Morgan:

The Psychiatric Evaluation was done on three interviews held on October 6, 8, and 10. Each interview lasted seventy-five minutes and was done in my office. In addition to that I reviewed copies of material which was submitted to me by the State Board of Medical Licensure. Dr. Majd signed a "Release of Medical Information" and we contacted Harlem, Kentucky but to this date we have not received a reply. Dr. Majd is a forty-seven year old Iranian male who is married and the father of four children. He came to the United States in 1971. He took training in New York City as well as Kentucky and also took some training in Puerto Rico. He is married to an Iranian lady who is a Pediatric Dentist and at this time is teaching at the Ohio State University.

His biographical data is well documented in the material which was submitted to us by the Mississippi State Board of Medical Licensure and that is also supported by information obtained directly from Dr. Majd. At this point I feel that nothing can be added simply because the information submitted to me by the Mississippi State Board of Medical Licensure confers what Dr. Majd told me during the interviews in my office. He says that in 1974 or perhaps in late 1973 he was working long hours at the Harlem Appalachian Regional Hospital and he was dehydrated, didn't have enough food or sleep and he felt very weak. At that time he said that he was admitted briefly to the medical service, he was not quite sure for how many days, he said it was most likely three or four days. While he was an inpatient, he was prescribed sleeping pills but "I did not take them" and also was seen by a psychiatrist who prescribed some nerve pills but "I did not take them because I did not need them either." They put in the chart that I have cataracts, which was a false accusation." He said that there was not any real need for medication at the time, that the only thing he needed was to rest. As a matter of fact after resting a few days he returned to his usual duties. At that time he makes a point of telling me that he was an excellent Resident, has always been an excellent student and in the top of his class. I asked him if he was willing to sign a release of medical information so that we could get his medical records from Kentucky. He did so



but we have not gotten an answer from them. He says that in 1973 he was a second year Resident in General Surgery at the Harlem Appalachian Regional Hospital and that the training program had the Pyramidal System and about the middle of the second year he was informed that there will be no position for him for the third year and that he should look for position in some other training program. This took him by surprise and he says that "the entire hospital got shocked, and they could not understand that he being an excellent Resident, that he was in competition with the American guys and he was much brighter and a better worker than them, that he would be denied the third year position." "Probably the hospital wanted to cover up the injustice." That is the reason why he was found to have cataracts when he has no cataracts. They covered up all so no legal consequences will ensue.

At any rate, he went back to Iran in 1980 and in late 1984 they returned to the United States and he was working in Buffalo, New York until July when he came to Tunica, Mississippi. Shortly after coming to Tunica, Mississippi, his difficulties began. He feels that he was supposed to join a group of six family practitioners in Tunica. They would be referring patients to him from the surrounding communities which includes Senatobia, Coldwater, Tunica, Sardis and two smaller communities which he cannot remember the names of. He says that shortly after coming there he found himself in a disagreement with the six family practitioners who offered him a guaranteed income of \$120,000.00 a year and he was supposed to keep the initial \$500,000.00 and if his gross income exceeded \$500,000.00 in one year the excess of the \$500,000.00 would go to the six family practitioners. He then realized they were asking him to practice poor medicine and he says this in a very calm and collected fashion. He said that they were asking him practically to amputate legs when there was no need, simply because an above the knee amputation would mean \$1100.00 in medical fees. He refused to do things like that and gradually he began to discover that all of the doctors were actually killing people in Tunica and they were in conspiracy with nurses and other people who were trying to cover up all of the mistakes and that he "being a strong and healthy physician wanted to practice only good medicine could not get along with other people." Eventually he says that he split from the group in January, 1986. He began to practice medicine alone but he felt that they were harrassing him. He got threatening phone calls, his phone lines were cut off seven times, his office and home were broken into three times, once to his office and once to his home and once they made noises trying to open a window of his home. In talking about himself he says that he was born in Iran, his native tongue is Turkish but he also speaks Iranian and Arabic fluently. When he was in Puerto Rico he learned some Spanish. He never took formal English language but he learned to speak English by talking with people and he says that he even wrote a book. At this point I asked him what he wrote a book about and he says that the title of his book was "Revolution For the Twentieth Century." The book has nothing to do with politics or sociology. He does not remember who published the book. He says the book is about genetics and "I can change a plant species into other plant species, for example, wheat into mushrooms by using some chemical substances." When I asked him what type of chemical substance he states that he uses Colchicine, and others used in Oncology for treatment of cancer

patients. I could go into a long detailed description of this interview but I prefer to make it brief, should anyone have any doubts you can contact me. In brief Dr. Majd is, at this time, suffering of a Major Thought Disorder. The best way to describe this is in a paranoid state. This is supported by facts, such as, his affect is extremely flat, there are no switches at all when describing his good times like being an excellent student or a father or writing books and describing his troubles with those family practitioners in Tunica, or the Mississippi State Board of Medical Licensure. His mood is friendly and he is cooperative. He is oriented to time, place, person but not too clear to the situation. He knows that he is in a psychiatrist's office for a psychiatric evaluation but he feels that it is mainly "to prove that I am innocent" when the issue is to prove whether or not he is in need of psychiatric help. His memory immediate, recent or remote recalls are good. I happen to know Buffalo, New York and we talked for a while about Deacones Hospital where he worked in the Emergency Room and his description was much the same as I remember of that hospital. Therefore, recent or remote recalls are good. I mentioned to him a color, name and a figure and after a few minutes he could remember those items perfectly well, so memory is intact in all spheres. Speech at times were circumstantial, mild looseness of associations that are perfectly well documented on the recorded interviews. When asked a question he would eventually go into a long explanation and touching different subjects that has no connection to me at all but to him seems to be related to himself.

Thought content and processes: In the interview I asked him about his self-evaluation, whether he was normal, about average or below average as far as intelligence goes. He didn't listen to me and he says that he is extremely bright. At one point he began to say "I am a Ge ----" but he quickly stopped before completing the word. He feels persecuted by the family physicians in Tunica, the Hospital Board and a group of forty millionaires in Tunica who want to cover up the "practice of poor medicine in Tunica." At one point he says that I may not give a good report because I will have to twist my report in order to please the Mississippi State Medical Licensure Board. I asked him how come? and he said, yes, you being a foreigner may be under the same pressure as I am and you may be forced to give a false report. I explained to him that that was not the case and that my report would be unbiased and there will be no pressure from any source on me. His insight and judgment are poor. He feels that this mainly is an issue of covering for mistakes of other physicians in Tunica when actually the issue here is his emotional stability. His judgment is, as I said before, poor which is clearly manifested by facts like writing a letter to the Governor in regard to his predicaments, engaging the FBI and reporting to the FBI what is going on in Tunica, engaging in an Organization by the name of WOSH which stands for Women on Self Help. He could not abstract simple proverbs. I mentioned to him a "tooth for a tooth and an eye for an eye." "It is better late than never" and also another one that I changed from the original form to another as "do to others before they do it to you" and he could not abstract. His thought process was as concrete as it could be. He denied any suicidal or homicidal ideation. Intelligence and knowledge are average and he is not in touch with reality.

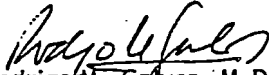
Frank Morgan, M.D.
Page 4

SUMMARY:

A 47 year old Iranian male who at this time is suffering from a Major Thought Disorder, paranoid state. I feel that at this time he is not responsible for his behavior. He is obeying well organized delusions and he feels that what he is doing is right and correct because his delusions make him feel that way. He is not competent to practice medicine at this time or, more, to protect himself on legal grounds. I do feel that he would be of poor help to any lawyer who wants to help him in this predicament. There is no sure rule to predict violent behavior in psychiatric patients. However, in view of the life history of Dr. Majd it seems to me that violence should not be of great concern in this case. I presently feel that he is not a violent man and has never been violent as far as we can tell in his past 47 years. He is a very passive-submissive man. I hope to have been of help, again, to close up my summary I will state an opinion.

Opinion: Dr. Majd is suffering of a Major Thought Disorder, paranoid state. He is incompetent and is not responsible.

Sincerely yours,


Rodrigo M. Galvez, M.D.
Diplomate, American Board of
Psychiatry and Neurology

RMG/ok

MISSISSIPPI NEUROPSYCHIATRIC CLINIC

1030 RIVERSIDE PLAZA

JACKSON, MISSISSIPPI 39208

8011 938-1900

RODRIGO M. GALVEZ, M.D.
WILLIAM J. GALLISPIE, JR., M.D.
GEORGE D. LADNER, M.D.
S. RAY PATE, M.D.

BENJAMIN A. ROOT, JR., M.D.
JAMES E. STARY, Ph.D.
BRUCE M. SUTTON, M.D.

9 October 86

Psychological Report: Majd Pour, Dr. Ezzat E. (M.D.)
Tunica, Mississippi
Referred By: Dr. R. M. Galvez
Jackson, Mississippi
Purpose: General psychological evaluation.
Tests Administered: Wechsler Adult Intelligence Scale
Minnesota Multiphasic Personality Inventory
Sentence Completion Form
Rorschach Technique

This testing was done by clinical associate R. A. Johnson, with the test interpretations and this report being done by the undersigned.

It was reported that Dr. Majd seemed to be well motivated toward the testing situation and he cooperated well with all tasks. He was serious in his approach to all test items. He expressed some concern about cultural differences affecting his test performances, but he did not seem to be especially anxious or apprehensive, particularly in light of the seriousness of his situation. He was friendly and courteous in attitude and behavior. One unusual bit of verbal behavior was his remark during administration of the Rorschach, "What do people see who haven't had parasitology?" Since most of his responses were anatomical in nature (only two responses had parasitic content), this remark seems to be somewhat out of place. Another unusual bit of behavior occurred when I was presenting Dr. Majd with the sentence completion form. He attempted to avoid this procedure by telling me that even though he is fluent in a number of languages, he is not very good in English because he has not had any formal training in grammar and literature. He said that all the English he knows has been learned through contact with people, and he hesitated to write out responses because of his poor grammar. He was persuaded to go ahead and do his best, and indeed he did do a very good job of spelling and grammar usage. These remarks are seen as part of Dr. Majd's defensiveness, perhaps against unwittingly revealing anything about himself which might be unfavorable to him.

Test Results And Interpretations:

On the Wechsler, a full scale I.Q. of 108 was attained, this score falling within the average range of intelligence. A verbal I.Q. of 116 (bright normal) and a non-verbal I.Q. of 97 (average) were scored. Cultural differences may have had some effect in lowering the I.Q.s somewhat, but it is not the I.Q. levels that is so important here as is the fact that the non-verbal I.Q. is 19 points lower than the verbal I.Q.

- 1 -



The first interesting aspect of this psychometric pattern is that physicians who are practicing surgeons typically have the reverse of this pattern, i.e., their non-verbal intellectual skills are usually much higher than their verbal intellectual skills. Even when making allowances for cultural differences there should not be as much of a discrepancy between these I.Q.s as there is. Secondly, affective factors such as anxiety and depression frequently interfere with non-verbal attention, concentration and reasoning and produce lower non-verbal I.Q.s, but there are no other test data to support the notion that either of these factors are present at levels high enough to be interfering factors. Lastly, persons who have paranoid features in their adjustment frequently present this pattern, this being manifested in ordinary life situations by their not being very good at dealing in effective ways with various problem life situations while making extensive use of such verbal defenses as intellectualization and rationalization. The latter option seems to be the most appropriate one with Dr. Majd, judging by his personality test data.

The most striking feature about the Rorschach protocol is the unusually large number of responses with anatomical and medically related content, e.g., transection of the spinal cord, transection of the brain, etc. This is not typical even for physicians, and when this does occur, there are two implications. One is that the person has marked feelings of personal and social insecurity and is prone to retreat into professional/vocational topics when interacting with other people, i.e., he engages in a lot of shop talk because it is with these topics that he feels most comfortable and safe. Secondly, this is a defense in response style against giving responses which he is not sure what the consequences would be. Dr. Majd must feel psychologically very insecure when dealing with life situations which are unfamiliar, complex and ego threatening to him, with his main defense tactic at such times being intellectualization, and when he feels really pressed, pseudo-intellectualization is invoked. The latter must involve some really naive reasoning and explanations. Dr. Majd has a fairly strong sense of urgency for gaining immediate gratification of his wants and needs. This renders his frustration tolerance weak and provides basis for some impulsive acting out behavior which is situation specific and could be highly disruptive to other people. He is remarkably egocentric in self-focusing ways. He must have unrealistic expectations of other people showering him with attention and consideration, and catering to his wants and needs. When these expectations are not fulfilled, he is likely to react with attitudes of resentment and rejection which could have paranoid qualities. People like this usually are hyper sensitive to criticism, both real and implied, and again their reactions could have paranoid qualities. It is interesting to note that with all of Dr. Majd's verbalizations about interest in his patients and their care, this test protocol lacks in support for the notion that he has any real empathic interest in other people, or that he even has much identity with people. Psychologically he remains schizoid in this respect. In fact, a couple of responses suggest that he in fact must have a basically hostile and derisive attitude toward people such as is seen with persons who are some-

what grandiose in their self-valuation, this being a defense against being overwhelmed by strong underlying feelings of inadequacy. There is support here for the notion that Dr. Majd is behaviorally rather passive and that he does not take the initiative for coping with problem-presenting life situations. Even when someone else presents him with a structured plan for solving a problem situation, he lacks initiative for implementing the plan. There is support here for the notion that Dr. Majd is weak in tolerance for psychological stress and that when he is subjected to such stress he is prone to become psychologically disorganized to some degree. This is a longstanding trait with him and not something that is situational or temporary. The index of reality awareness and perceptual accuracy is very low and probably reflects the degree of psychological disorganization present.

In his sentence completion responses, Dr. Majd continued with his defensiveness. None of the responses have reference to his current professional problems. Items which would be appropriate for him to express feelings about his current situation were responded to in ways which have nothing to do with his situation or the people involved. For example, with the following item, I Need, he wrote "to improve in my English communication and language." It seems more realistic to have made reference to having to clear up his current situation as being a major need of his. Instead of writing that it is wrong to treat others in bad ways, as he insists is being done to him, he wrote: It is wrong "not to improve and not to learn." It seems too that if he were to be granted one wish at this time, he would wish to be cleared of his current problem situation. Instead he wrote that if he could have one wish granted to him, he would wish "to succeed in my research work and achieve the goals I am working on it, because those are the ways and goals I like them (sic)." It would have been entirely appropriate for Dr. Majd, according to his viewpoint, to have responded that others are guilty of attempting to ruin him professionally. Instead he wrote the totally innocuous response: Others are guilty "when they commit proven crimes." As with the Rorschach, he responded in ways which he deemed would not be harmful to him because he was not sure just what the consequences of his responses would be. Yet this response style in itself is very inappropriate for one whose professional life is in jeopardy.

The pattern of the validity scales scores of the MMPI indicates that Dr. Majd was extremely defensive in his self-report. While he may be a very moralistic person, this pattern is much too high for only moralistic principles to be operating here. Dr. Majd denied having minor faults which most people readily admit to having. For example, he marked FALSE to such items as: At times I feel like swearing; I do not always tell the truth; I get angry sometimes; Once in awhile I put off until tomorrow what I ought to do today; Sometimes when I am not feeling well I am cross; I do not like everyone I know. That Dr. Majd was very careful in his response style also is reflected that not one of 41 critical items was marked in the scored direction. If what he says about the other physicians in Tunisia is true, one would expect him to have marked TRUE to such critical

items as these: I have had very peculiar and strange experiences; If people had not had it in for me I would have been much more successful; Someone has it in for me; I believe I am being plotted against; I am sure I am being talked about. So along with intellectualization, denial seems to be a major defense tactic as well. Considering his situation, some defensiveness is to be expected, but here, as with the Rorschach and sentence completion form, Dr. Majd's defensiveness is excessive. As would be expected, none of the clinical scales are elevated into the pathologic range. The pattern of excessively high defensiveness with a relatively flat clinical profile is typically seen with persons who are paranoid but who are not blatantly obvious in their features. Instead, on a day to day basis their paranoid qualities are quite subtle. While not elevated into the pathologic range, there is a basic configuration of three clinical scales which suggests that Dr. Majd basically probably is a rather passive and dependent person who now has some general social anger and resentment which may or may not be situation related. The Anxiety Index is only slightly elevated, this not being surprising in light of his extremely defensive response style. Likewise, the Ego Strength scale score is spuriously high because of his defensiveness. On the other hand, the Control Index is quite low so that the clinical features described throughout this report should be fairly readily observable to the person who interacts with Dr. Majd on something more than a superficial basis.

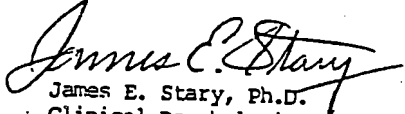
Conclusions And Summary:

It was reported that Dr. Majd seemed to be well motivated toward the testing situation and he cooperated well with all tasks. He was serious in his approach to all test items, but his response style to all of the test procedures was a highly defensive one. He expressed some concern about cultural differences effecting his test performances, but he did not seem to be especially anxious or apprehensive, particularly in light of the seriousness of his situation. Or else he was very cleverly masking his anxiety and apprehension. He was friendly and courteous in attitude and behavior.

On the Wechsler, a full scale I.Q. of 108 was attained, this score falling within the average range of intelligence. A verbal I.Q. of 116 (bright normal) and a non-verbal I.Q. of 97 (average) were scored. Cultural differences may have had some effect in lowering the I.Q.s somewhat, but it is not the I.Q. levels that is so important here as is the fact that the non-verbal I.Q. is 19 points lower than the verbal I.Q. This is an unusual psychometric pattern for a physician who is a practicing surgeon, their non-verbal intellectual functioning usually being much higher than their verbal intellectual functioning. Even when making allowances for cultural differences there should not be as much of a discrepancy between these I.Q.s as there is. Persons who have paranoid features in their adjustment frequently present this pattern, this being manifested by their not being very good at dealing in effective ways with various problem life situations while making extensive use of such verbal defenses as intellectualization and rationalization.

The personality test data support the inference that there is at least a subtle paranoid condition present. There are no blatant examples of disordered thinking of a bona fide schizophrenic type. However, there certainly is some inappropriate thinking taking place in the function of major defense tactics as seen here, these involving obvious denial and pseudo-intellectualization, and probably projection as well. Dr. Majd does not cope with psychological stress in effective ways, something which probably is a longstanding trait with him. Since his frustration tolerance is weak, Dr. Majd must be quick to experience psychological stress which then brings on varying degrees of psychological disorganization, according to the severity of the stress being experienced. When this stress is severe enough he invokes ineffective and even inappropriate paranoid defenses. The more severe the stress the more naive, rigid and inappropriate these defenses become. Dr. Majd is in a state of stimulus overload at this time and he can not effectively and appropriately cope with the demands of this stressful situation. He even naively denies or does not acknowledge that he is experiencing severe psychological stress - this in itself is inappropriate thinking. His psychological structure as reflected here suggests that Dr. Majd probably has had repeated, or at least several psychologically chaotic periods in his life time.

Thank you very much for referring this patient to me.


James E. Stary, Ph.D.
Clinical Psychologist

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF

EZZAT E. MAJD, POUR, M.D.

FINAL RECOMMENDATION AND ORDER OF EXAMINING COMMITTEE

WHEREAS, the Examining Committee as designated by the Mississippi State Board of Medical Licensure under Section 73-25-55 of the "Disabled Physicians Law", Mississippi Code (1972) Annotated, convened at 1:30 o'clock P.M., Thursday, September 18, 1986 in the auditorium of the Felix J. Underwood State Board of Health Building, 2423 North State Street, Jackson, Hinds County, Mississippi to conduct an examination of Ezzat E. Majd, Pour, M.D., Tunica, Mississippi, for the purpose of determining his fitness to practice medicine with reasonable skill and safety to patients because of mental illness;

WHEREAS, as a result of said examination, the Committee found Ezzat E. Majd, Pour, M.D. to be suffering from a major mental disorder and unable to practice medicine with reasonable skill and safety to patients. However, before rendering its final recommendation, the Examining Committee ordered Ezzat E. Majd, Pour, M.D. to undergo a psychiatric evaluation/examination within thirty (30) days by a board certified psychiatrist and licensed clinical psychologist, said examination to include three follow-up visits with the psychiatrist having at his/her disposal the same materials submitted to the Committee by the investigative staff of the Mississippi State Board of Medical Licensure and material presented to the Committee by Dr. Majd;

WHEREAS, Ezzat E. Majd, Pour, M.D. chose Rodrigo M. Galvez, M.D. and James E. Stary, Ph.D., 1030 Riverside Plaza, Flowood, Mississippi, as the psychiatrist and psychologist to perform the psychiatric evaluation/examination.

WHEREAS, between October 6, 1986 and October 10, 1986, Ezzat E. Majd, Pour, M.D. was examined by Rodrigo M. Galvez, M.D. and James E. Stary, Ph.D. During said examination Drs. Galvez and Stary had at their disposal the same materials submitted to

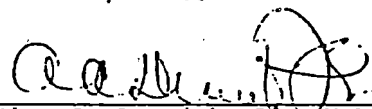


the Examining Committee by Dr. Majd and the investigative staff of the Mississippi State Board of Medical Licensure. On October 13, 1986, Dr. Galvez rendered to the Mississippi State Board of Medical Licensure his report of examination of Dr. Majd along with a psychological report, dated October 9, 1986 from James E. Stary, Ph.D., Clinical Psychologist. A copy of both reports is attached hereto as Exhibit "A" and incorporated herein by reference.

NOW THEREFORE, after review of the October 13, 1986 report from Rodrigo M. Galvez, M.D., and October 9, 1986 report from James E. Stary, Ph.D. and based further upon the Committee's prior examination of Ezzat E. Majd, Pour, M.D. on September 18, 1986, it is the opinion and recommendation of the Committee, as follows:

1. That in view of the fact that Ezzat E. Majd, Pour, M.D. received extensive evaluation by Rodrigo M. Galvez, M.D. on October 6, 8 and 10, 1986, it is not necessary that a third follow-up visit be performed.
2. That Ezzat E. Majd, Pour, M.D. is suffering from a major thought disorder, paranoid state and is incompetent and not responsible. Because of this condition, Ezzat E. Majd, Pour, M.D. is in need of immediate medical treatment and his continued practice of medicine constitutes an imminent danger to public health and safety.

SO ORDERED, this the 16th day of October, 1986.


Arthur A. Derrick, Jr., M.D.,
Chairman


George C. Hamilton, Jr., M.D.


Bruce E. Atkinson, M.D.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF

EZZAT E. MAJD, POUR, M.D.

TO: EZZAT E. MAJD, POUR, M.D.
1004 East Edward Avenue
Tunica, Mississippi 39676

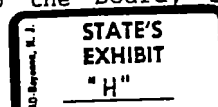
SUMMONS AND ORDER OF TEMPORARY SUSPENSION

YOU ARE HEREBY SUMMONED to appear before the Mississippi State Board of Medical Licensure in the auditorium of the Felix J. Underwood State Board of Health Building, 2423 North State Street, Jackson, Hinds County, Mississippi on Thursday, November 20, 1986 at 10:00 o'clock a.m. to answer the charges filed against you in the matter now pending before this Board.

The Mississippi State Board of Medical Licensure, charged by law with the licensing of medical doctors in this state, under Title 73, Chapter 25, Mississippi Code (1972) Annotated, charges that you, a physician duly licensed under the authority of the State Board of Medical Licensure and the laws of the State of Mississippi are unable to practice medicine with reasonable skill and safety to patients by reason of mental illness.

FURTHER, IT IS HEREBY ORDERED that pursuant to authority granted in Section 73-25-63, Mississippi Code (1972) Annotated, your license to practice medicine in the State of Mississippi is temporarily suspended pending the outcome of the scheduled hearing on November 20, 1986. Enclosed herewith and served as a part of this Summons is a copy of the Final Recommendation and Order of the Examining Committee rendered October 16, 1986, wherein it was determined that your continued practice of medicine would constitute an imminent danger to public health and safety.


Under Subsection (3) of Section 73-25-63, Mississippi Code (1972) Annotated, at the conclusion of the hearing, the Board shall make a determination of the merits and may issue an order requiring you to submit to the care, counseling or treatment by physicians acceptable to the Board, suspend or restrict your



license to practice medicine for the duration of impairment or
revoke your license to practice medicine.

The Mississippi State Board of Medical Licensure further
advises you that you have a right to be present at the hearing,
to be represented by counsel, to produce witnesses or evidence on
your behalf, to cross examine witnesses and to have subpoenas
issued by this Board.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16th day
of October, 1986.


Frank J. Morgan, Jr., M.D.
Executive Officer,
Mississippi State Board of
Medical Licensure

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE OF
EZZAT E. MAJD, POUR, M.D.

SUPPLEMENTAL SUMMONS

TO: EZZAT E. MAJD, POUR, M.D.
1004 East Edward Avenue
Tunica, Mississippi 39676

WHEREAS, on October 16, 1986, Ezzat E. Majd, Pour, M.D. was summoned to appear before the Mississippi State Board of Medical Licensure on Thursday, November 20, 1986, at 10:00 o'clock A.M. to answer charges that he is unable to practice medicine with reasonable skill and safety to patients by reason of mental illness;

WHEREAS, pursuant to Motions for Continuance filed by or on behalf of Ezzat E. Majd, Pour, M.D., the hearing has been continued until March 19, 1987, at 10:00 o'clock A.M.;

WHEREAS, it is necessary to supplement the prior Summons and Affidavit in order to add additional charges and grounds upon which disciplinary action can be taken;

NOW, THEREFORE, YOU ARE HEREBY SUMMONED to appear before the Mississippi State Board of Medical Licensure in the Executive Conference Room of the Felix J. Underwood Building, 2423 North State Street, Jackson, Hinds County, Mississippi, Thursday, March 19, 1987, at 10:00 o'clock A.M., to answer the charges filed against you in the matter now pending before this Board.


The Mississippi State Board of Medical Licensure, charged by law with the licensing of medical doctors in this State, under Title 73, Chapter 25, Mississippi Code (1972), Annotated, charges that you, a physician duly licensed under the authority of the State Board of Medical Licensure and the laws of the State of Mississippi, are guilty of having been disciplined by a licensed hospital or medical staff of said hospital and are guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.



Under Subsection (8) of Section 73-25-29 and Section 73-25-83(a) and (c), Mississippi Code (1972), Annotated, such acts constitute grounds for which the Mississippi State Board of Medical Licensure may place your license on probation, the terms of which may be set by the Board, suspend your right to practice for a time deemed proper by the Board, revoke your medical license or take any other action in relation to your license as the Board may deem proper under the circumstances.

The Mississippi State Board of Medical Licensure advises you that this Board will, upon your request or that of your legal counsel, subpoena persons, witnesses or papers on your behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12th day of February, 1987.


FRANK J. MORGAN, JR., M.D.
Executive Officer
Mississippi State Board of
Medical Licensure

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE
PHYSICIAN'S LICENSE OF
EZZAT E. MAJD, POUR, M.D.

DETERMINATION AND ORDER

This matter came on regularly for hearing on March 19, 1987, before the Mississippi State Board of Medical Licensure pursuant to Miss. Code Ann. §73-25-63. The Board initiated these proceedings on July 20, 1986, by referral of Ezzat E. Majd, Pour, M.D. to the designated members of the Examining Committee, pursuant to Miss. Code Ann. §73-25-51 through §75-25-67, for the purpose of determining the fitness of Dr. Majd to practice medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis. Dr. Majd was thereafter ordered to appear before the Examining Committee on September 18, 1986. Dr. Majd appeared before said committee and was found to be suffering from a major mental disorder and unable to practice medicine with reasonable skill and safety to patients. However, prior to rendering a final determination, the committee ordered Dr. Majd to submit to a psychiatric evaluation/examination pursuant to Miss. Code Ann. §73-25-57(2). On October 6, 8, and 10, 1986, Dr. Majd submitted to such an examination and on October 13, 1986, a report was rendered concluding that Dr. Majd was suffering from a major thought disorder. On October 16, 1986, the Examining Committee rendered its Final Recommendation and Order finding



that Dr. Majd was unable to practice medicine with reasonable skill and safety to patients by reason of mental illness.

On October 16, 1986, the Board issued a Summons and Order of Temporary Suspension informing Ezzat E. Majd, Pour, M.D. that the Board had reason to believe that he was unable to practice medicine with reasonable skill and safety to patients by reason of mental illness. Dr. Majd's medical license was temporarily suspended pending the outcome of the scheduled hearing on November 20, 1986.

Pursuant to written request of Ezzat E. Majd, Pour, M.D., the Mississippi State Board of Medical Licensure rendered an order continuing the matter until the next regularly scheduled meeting on January 15, 1987, and prohibiting Dr. Majd from practicing medicine during the interim. The matter was further continued until March 19, 1987, in response to a motion filed on December 30, 1986, on behalf of Dr. Majd. On February 12, 1987, the Board expanded these proceedings by issuing a Supplemental Summons and Affidavit informing Ezzat E. Majd, Pour, M.D. that it had reason to believe that he was in violation of Miss. Code Ann. §73-25-29(8) and §73-25-83(a), in that Ezzat E. Majd, Pour, M.D., a physician duly licensed under the authority of the State Board of Medical Licensure and the laws of the State of Mississippi, was guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

A hearing was convened at 10:00 o'clock A.M., March 19, 1987, Ezzat E. Majd, Pour, M.D., being present, represented by

Jim Waide. Evidence and testimony was then presented. Based on the above, the Board renders the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

I.

EZZAT E, MAJD, POUR, M.D., hereinafter referred to as "Licensee", has been licensed to practice medicine in the State of Mississippi since September 9, 1981, pursuant to Miss. Code Ann. §73-25-1, holding Mississippi License No. 9448.

II.

Prior to seeking licensure in the State of Mississippi, Licensee served a two-year residency in surgery between August 1972 and August 1974 at the Appalachian Regional Hospital, Harlan, Kentucky. During his residency at the Appalachian Regional Hospital, Licensee was admitted to said hospital for treatment between December 24, 1973, and January 2, 1974, with chief complaints of weight loss, dizziness and syncopal episodes. During Licensee's treatment, he consulted a psychiatrist and was diagnosed as suffering from depression and a mild schizoid personality with a final diagnosis of hyperthyroidism, postural hypotension, anxiety depressive reaction and situational stress reaction.

III.

Licensee began practicing in Tunica, Mississippi, on or about June, 1985. On August 6, 1986, at approximately 6:35 o'clock P.M., patient Bobbie I was transported to the Tunica

County Hospital via ambulance. The patient was found to be dead upon arrival. Notwithstanding, the emergency room physician and nursing staff immediately initiated attempts to resuscitate the patient without regard as to the patient's identity or whom the patient's physician was. Resuscitation attempts were unsuccessful. Thereafter, Licensee accused the attending physician and nursing staff of "stealing" and "killing" patient Bobbie T. On the following day, August 7, 1986, Licensee went to the Tunica County Hospital, and accused the medical and nursing staff of "killing", "murdering", and "stealing" his patients. Licensee accused one particular nurse of being a "prostitute" and "turning into a vampire at night" and killing "hundreds" of his patients. Other accusations, too numerous to mention, included statements that the medical and nursing staff were killing his patients, that the medical and nursing staff and board of directors of the Tunica County Hospital were members of the "klan" and "racists" and that they were plotting to kill him or run him out of town. The above accusations were made at the Tunica County Hospital before numerous medical and staff personnel and were made in such a loud tone and manner as to indicate loss of control.

IV.

The accusations by Licensee toward the medical and nursing staff at Tunica County Hospital and other individuals during August 6, 1986, and August 7, 1986, were false and without any basis in fact. Although evidence reflects that deaths have occurred at the Tunica County Hospital, no complaints of mysterious deaths were filed with state or local authorities and the

number and causes of deaths occurring at the hospital were not unusual for a hospital of that size and type.

V.

On August 8, 1986, Licensee wrote and gave to other parties, including office staff, a note stating that on that date he was "threatened to be killed, if in future I murdered, my killer is Dr. Larry Black and Paris Prince only (otherwise nobody else is responsible)." Said note then provides that "These two people may kill me indirectly, but responsibility of murder should stay only with them, and nobody else." Although evidence presented indicates that Dr. Majd or his staff may have received phone calls of threatening nature, we find that there is no basis in fact for the accusation concerning Larry Black, M.D. and further, by Licensee's own admission, the accusation concerning Paris Prince was without merit.

VI.

That Licensee has on occasion carried a 38-caliber pistol on his person and in the presence of his staff, yielded the weapon in such a manner as to frighten his staff.

VII.

Licensee has exhibited other conduct and behavior indicative of an individual suffering from mental illness. Further, Licensee's own testimony revealed characteristics of one suffering from mental illness as substantiated by the expert testimony of Rodrigo M. Galvez., M.D. and George Hamilton, M.D.

VIII.

On or about July 7, 1986, Licensee admitted patient Doshie A [REDACTED] to the Tunica County Hospital for the purpose of performing a breast biopsy. Licensee later scheduled and directed the nurses to prepare the patient for a simple mastectomy and excision of the lymph nodes to be performed under local anesthesia. Such a procedure should only be accomplished under general anesthesia and Licensee was prevented from carrying out the procedure by action of the medical staff.

IX.

On July 20, 1986, Frank J. Morgan, Jr., M.D., Executive Officer of the Mississippi State Board of Medical Licensure, referred Licensee to the designated members of the Examining Committee, pursuant to Miss. Code Ann. §73-25-51 through §75-25-67, for the purpose of determining the fitness of Licensee to practice medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis. Licensee was thereafter ordered to appear before the Examining Committee on September 18, 1986. Licensee appeared before said committee and was found to be suffering from a major mental disorder and unable to practice medicine with reasonable skill and safety to patients. However, prior to rendering a final determination, the committee ordered Licensee to submit to a psychiatric evaluation/examination performed by a psychiatrist and psychologist approved by the Board. Licensee chose Rodrigo M. Galvez, M.D. and James E. Stary, Ph.D., 1030 Riverside Plaza, Flowood, Mississippi, to perform the psychiatric evaluation/examination. On

October 6, 8, and 10, 1986, Licensee was examined by Rodrigo M. Galvez, M.D. and James E. Stary, Ph.D. and upon conclusion of said evaluation, a report was rendered to the Board dated October 13, 1986, concluding that Licensee was suffering from a major thought disorder, paranoid state, was incompetent and not responsible. Further, it was the opinion of Dr. Galvez that because of this condition, Licensee was in need of immediate medical treatment and his continued practice of medicine constitutes imminent danger to public health and safety. On October 16, 1986, the Examining Committee rendered its Final Recommendation and Order finding that Licensee was unable to practice medicine with reasonable skill and safety to patients by reason of mental illness.

X.

In addition to the above, Licensee has sought independent evaluations by G. H. Aivazian, M.D., Delores M. Digaetano, M.D., Jan T. Goff, M.D. and Ken Lippincott, M.D., in several instances, said physicians utilizing reports from independent psychologists. In each case, Licensee was found not to be suffering from a psychiatric disorder. However, several of the reports rendered by said physicians were qualified as to the accuracy of that information provided by Licensee and in each situation, the physician/psychologist based their evaluation on incomplete background history and/or improper data.

XI.

That Licensee was also examined by William M. Kallman, Ph.D who described Licensee's conduct as not indicative of "delusional"

behavior, but merely "angry exaggerations." However, Dr. Kallman did find that Licensee may have suffered on one occasion from an "acute paranoid disorder."

CONCLUSIONS OF LAW

After considering all the evidence presented, and based on the Board's personal observation of Licensee during his testimony, the Board hereby determines that Licensee's actions constitute unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public and that Licensee is unable to practice medicine with reasonable skill and safety to patients by reason of mental illness.

ORDER

IT IS HEREBY ORDERED that the Final Recommendation of the Examining Committee rendered October 16, 1986, is hereby accepted;

IT IS FURTHER ORDERED that on the basis of the findings of fact enumerated above, Mississippi Medical License No. 9448 issued to Ezzat E. Majd, Pour, M.D., is hereby suspended for a period of three (3) years; however, said suspension will be stayed upon completion of and compliance with all of the following conditions to the satisfaction of the Mississippi State Board of Medical Licensure:

1. A physical examination, including CT scan of the head, endocrine survey and urine and blood drug screens by a physician approved by the Board of Medical Licensure with the results of

the examination submitted to the Board within thirty (30) days of receipt of this order;

2. A comprehensive psychiatric and psychological work-up with follow-up treatment and care by a psychiatrist approved by the Board of Medical Licensure from either Mississippi or Memphis, Tennessee. The results of the work-up are to be submitted to the Board within sixty (60) days of receipt of this order.

3. Monthly progress reports from the Board approved psychiatrist are to be submitted to the Board within fifteen (15) days of the end of each month during treatment.

4. All expenses incurred in carrying out this Order shall be borne by Licensee.

IT IS FURTHER ORDERED that pursuant to Miss. Code Ann. §73-25-27, as amended, a copy of this Determination and Order shall be sent by registered mail or personally served upon Ezzat E. Majd, Pour, M.D., and should become effective immediately upon receipt thereof.

THIS, the 31st day of March, 1987.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

By:


FRANK S. Morgan, Jr., M.D.
Executive Officer